



PORT OF GUAM
ATURIDAT / PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
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Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

REGULAR MEETING OF THE BOARD OF DIRECTORS

Jose D. Leon Guerrero Commercial Port

Thursday, April 6, 2023

Virtual Board Meeting

3:00 p.m.

A G E N D A

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
 1. February 23, 2023 – Regular Board Meeting
- III. PUBLIC COMMENTS:
 - a. Public Comments
 - b. Employee Comments
 - c. PAGGMA Association
- IV. GENERAL MANAGER’S REPORT (deferred to Old/New Business Items)
- V. OLD BUSINESS
 1. Request authorization to create the positions of Chief Financial Officer and General Administration Manager (motion to approve the creation of positions transparency compliance as mandated by Title 4, GCA, §6303.1).
- VI. NEW BUSINESS
 1. Award of RFP-PAG-022-003 A&E Design & Consulting Services for the Installation of Fuel Pipeline System at F1 Pier and Golf Pier Connectivity.
 2. Acceptance of Port Lease Agreement with Marianas Yacht Club for purposes of transmitting to the Governor and Legislature in accordance with Board Resolution No. 2021-03.
 3. Adoption of Resolution No. 2023-01 Relative to approving the creation of Chief Financial Officer position in the classified service as authorized under Title 4, Guam Code Annotated, Sections 6303(d) and 6303.1.
 4. Adoption of Resolution No. 2023-02 Relative to approving the creation of General Administration Manager position in the classified service as authorized under Title 4, Guam Code Annotated, Sections 6303(d) and 6303.1.
 5. Adoption of Resolution No. 2023-03 Relative to recognizing Gary D. Kuwabara, from the Office of Local Defense and Community Cooperation, and to express our sincerest *Si Yu’os Ma’ase* and deepest appreciation for his professionalism and intelligence whenever carrying out his duties.
 6. Adoption of Resolution No. 2023-04 Relative to affirming that the attached document entitled The 2023 Master Plan for the Jose D. Leon Guerrero Commercial Port of Guam shall be the version that will be put forth publicly and advanced thereafter to the Governor through the Bureau of Statistics and Plans and the Guam Legislature pursuant to Sections 1205 and 1206, Article 2, Chapter 1 of Title 5, Guam Code Annotated.
- VII. ADJOURNMENT



PORT OF GUAM
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**MINUTES OF THE
REGULAR MEETING OF THE BOARD OF DIRECTORS
Thursday, February 23, 2023**

I. CALL TO ORDER

The Acting Chairperson called the regular meeting of the Board of Directors to order at 3:03 p.m., Thursday, February 23, 2023. Present at the meeting were:

Dorothy P. Harris, Vice Chairperson
Dr. Judith P. Guthertz, Board Secretary
Conchita S.N. Taitano, Board Member
Rory J. Respicio, General Manager
Dominic G. Muna, Deputy General Manager, Operations
Atty. James L. Canto, Port Counsel

Also present was Port Staff.

II. APPROVAL OF MINUTES

a. **December 29, 2022 – Regular Board Meeting:** Director Guthertz made motion to approve the minutes of December 29, 2022, subject to correction. The motion was seconded by Director Taitano and was unanimously passed.

III. PUBLIC COMMENTS

- a. **Public Comments:** None.
- b. **Employee Comments:** None.
- c. **PAGGMA Association:** PAGGMA Association Vice President Steve Muna reported that the association is working with its Financial Consultant to prepare and publish PAGGMA's financial close-out report for FY2022. The association also held a Superbowl celebration for its members and plans are underway for March *Mes Chamoru* festivities.

IV. GENERAL MANAGER'S REPORT

1. **Port Hires Legal Counsel James L. Canto.** On January 3, 2023, the Port welcomed Attorney James "Jamie" L. Canto as its Port Staff Attorney. As the former Deputy Attorney General for the Guam Attorney General Civil Litigation Division, Canto brings to the agency a wealth of legal experience in various fields of law.

Canto brings extensive legal acumen and experience that will provide management with advice on a range of issues and provide guidance with decisions that could have potential legal ramifications and assist in averting possible problems with contract management, negotiation and personnel matters. He was raised on Guam and graduated from John F. Kennedy High School. After serving as a paralegal in the U.S. Army JAG Corps and graduating from Trenton State College, he obtained his law degree from University of California Hastings College of the Law. Afterward, he returned home to pursue what has now been a 26-year long career as an attorney and jurist. Over that time, Jamie (as he prefers to be called) was an Assistant Public Defender at the Public Defender Service Corporation; a co-founding member of an alternate indigent defense firm; a co-founding partner of a private law firm where he specialized in business and commercial litigation; and Chief Legal Counsel to Governor Eddie Baza Calvo. In 2011, Jamie was appointed as a Guam Superior Court Judge. For five years, he sat as a general jurisdiction judge presiding over criminal, civil, family, and probate cases. In 2016, he relocated to Los Angeles where he practiced construction law, medical malpractice defense, hospital employment litigation defense, and appellate advocacy. In 2019, Jamie was tapped by Attorney General Leevin Taitano Camacho to serve as Deputy Attorney General for the Civil Litigation Division, where he headed the division, responsible for defending government of Guam agencies in trial and appellate litigation, and prosecuting civil cases on behalf of the government of Guam, in both local and federal courts.

2. **Two Men with Outstanding Warrants Arrested by Port Police.** On January 9, 2023, two men were arrested by the Hãgat Marina by Port Police earlier today after officers discovered both men were wanted by authorities. While conducting a routine check of the Hãgat Marina, Port Police Officers observed a vehicle motoring at a high rate of speed on Route 2 and conducted a pull over. The driver of the vehicle, Jim I. Quidachay, could not provide a valid Driver's License, however, Port Police Dispatch confirmed with the Judiciary of Guam Marshals' Division that Quidachay, had an outstanding criminal warrant of arrest. The passenger who identified himself as Joseph R. Quidachay, also had a warrant of arrest. Upon conducting a search incident to arrest the two men, a loaded pistol was found in a pouch worn by Joseph Quidachay. Jim Quidachay was transported to the Judiciary of Guam Marshals Division to appear before the Court on the outstanding warrant. Joseph R. Quidachay was booked and confined in connection with the outstanding criminal Warrant of Arrest; No Valid Firearms ID; Possession of a Concealed Firearm; and Possession of an Unregistered Firearm.
3. **Gantry Crane Six Goes Offline for Scheduled Maintenance.** Gantry crane six was taken offline on January 11-23, 2023 to allow the Port's Equipment Maintenance and Repair (EQMR) Division to conduct scheduled preventative maintenance. Operationally, we have arrived at this point where we can focus on the preventative maintenance of the Port's assets to extend its service life. Gantry Crane Six underwent trolley rail repair, APEX legs corrosion control, maintenance on gantry drives, rental crane assistance for APEX legs, and corrosion control on boom splice plates. The scheduled maintenance and down time for gantry repairs was mutually agreed upon by both the Port's Users Group and Management. Gantry crane six went back online on January 27, 2023.

4. **Port Wins Another Transparency Award.** On February 9, 2023, the Port Authority of Guam was awarded the First Place Platinum Award for the Fiscal Year 2021 Citizen-Centric Report (CCR). This is the second time the Port has received the First Place “Excellence in Citizen-Centric Reporting Award” from the Association of Government Accountants, Guam Chapter (AGA). The award was presented during the 2023 AGA Guam Professional Development Conference held at the Westin Resort. Receiving this prestigious award for a second time shows our team’s commitment to elevating transparency and comprehensible reporting. The Citizen-Centric Report initiative, adopted through Public Law 30-127, assists in advancing accountability and transparency in our government. This report provides information about the agency’s goals, performance measures, audited financial statements, challenges and outlook of operations, and most importantly, how taxpayer or ratepayer dollars are spent in a manner that is easily understandable and accessible to our citizens.
5. **Superior Court Case No. SP0120-21 Anthony Sanders.** I am proud to announce that the Port Authority won the Sanders case before the Superior Court. Its Conclusion and Order states, “Based on the extreme deference given to CSC decisions and the fact that substantial evidence supports a reasonable factfinder’s determination that Sanders violated the Drug-Free Workplace Policy, the Court upholds the CSC’s Judgment affirming Sanders’s termination. SO ORDERED this 26th day of January 2023.” Thereby rendering a Judgment in favor of the Port Authority on all matters related to Sanders’s petition for writ of review. Sanders held the position of Marine Traffic Controller of the Harbor Masters division.
6. **Port Briefing and Tour.**
 - **January 19, 2023** – Port Oversight Chairperson Amanda Shelton and Vice Chairperson Jesse Lujan.
 - **February 10, 2023** - Major General Keith Reventlow, Marine Corps Logistics Command.
 - **February 17, 2023** – Tamuning Elementary Students

During the briefing and tour, an overview of the port modernization was presented, identifying the Port’s significance to the region, current capacities, federal partners and funding sources, capital improvement projects, and our way forward on the masterplan update, hotel wharf rehabilitation, acquisition of gantry cranes, wharf service life extension-hardening of the piers, fuel pipeline connectivity project, rehabilitation of Area A fuel storage facility, in-water infrastructure study, and a port community system for PAG, port users group and customs. Tamuning elementary students were provided with Port Fun-Facts on its history, cargo handling equipment, where goods and supplies come from, and how it is processed from the Port, distributed into the island community and into their homes.

7. **Passenger Cruise Vessel Resumes - Calling Port of Guam.** We are excited to report that two passenger cruise vessels will resume its voyage to Guam on February 24, 2023 and March 3, 2023. Amadea carries an estimated 523 passengers / 302 crew members, and Diamond Princess with 1,629 passengers / 1,100 crew members. The last passenger vessel

that called our Port was on February 1, 2020 – Crystal Symphony since the pandemic outbreak of Covid-19. She carried approximately 756 passengers.

8. General Manager’s Notes for YTD Finances. We are providing the following summary for January 31, 2023:

REVENUES AND CARGO THROUGHPUT:

- The Port's Total YTD Operating revenue for January 31, 2023, is \$19.7 million, 1.0% or \$258K higher than the YTD January FY 23 budget projection of \$19.5M (not including \$1.0 M Federal Reimbursement YTD projection).
- The total number of containers handled as of January 31, 2023, is 28,567, 1.3% or 369 containers lower than last year's January 2022 YTD total of 28,936.

OPERATING EXPENSES:

- Overall Operating expenses, as of January 31, 2023, is \$17.7M, which is 0.1% lesser than the YTD budget for January of \$17.7M, or \$23K in cost avoidances.

OVERTIME EXPENSE AND DIRECT LABOR REVENUE:

- YTD Overtime for Divisions involved in Operations is \$603,287, 19% or \$98K higher than the overtime budget for YTD January at \$505,502. The OT for the month of January is higher than the overtime for December by \$28K.

Direct Labor reimbursement is \$1.3M, 1% or \$10K higher than the FY23 budget of \$1.3M.

Here is the breakdown:

Direct Labor Revenue:	\$1,335,789
Operations Overtime:	<u>\$ 603,287</u>
Variance:	\$ 732,502

YTD OPERATING REVENUES MINUS YTD EXPENSES:

- Operating revenues minus operating expenses resulted in an operating income of \$2.0M. The final result for January is a net income of \$1.9M, after deducting the net of Other Income/Expenses totaling -\$45K.

Note: \$45K is a net balance of Other Income and Expense composed of Interest Income, Interest Expense, Federal Reimbursements, Federal Expenses, Retirees COLA, Supplemental, Medical and Dental, and Other Non-Operating Income & Expenses.

Other Financial Highlights, as of January 31, 2023:

- The debt service ratio as of January 31, 2023, is 1.52. This is 92% higher than the Bond Indenture Debt service ratio requirement of 1.25.
- Days Cash on Hand is 929 days, 86% or 429 days higher than the 500 days requirement of Moody's Rating agency.

Debt Service Ratio - January 2023

Projected Annual Debt Service Coverage	1.52
Debt Service Coverage Requirement	1.25
Variance	0.27
% Above the Indenture Requirement	21%

9. Grant Awards and Ongoing Grant Submissions.

- **Fuel Pipeline Connectivity Project.** Notice of Intent to Award sent to the highest qualified bidder on June 8, 2022. *Status update:* After initial cost negotiation meeting with offeror, PAG Procurement set stipulation for resubmission of cost proposal by December 23, 2022. Cost negotiations are ongoing.
- **Department of Agriculture Grant (DOAG).** U.S. Fish Wildlife Services approved a 12-month no-cost schedule modification of grant-funded projects actively listed below.
- **Repair of Agat Marina's Boat Ramp Bumpers.** *Status Update:* On November 7, 2022, the PAG Engineers conducted their final inspection and project is complete. Invoice(s) has been processed and going through grant drawdown. Total project cost \$80,000 (FWS/DOAG Grant funded \$40,000 | PAG Share \$40,000).
 - **Agat Marina Dock B Construction.** The Official NTP was issued to AIC International on August 4, 2022. Project completion is 243-calendar days from NTP issuance, including obtaining all permitting requirements.

Next Steps: (i) Application of federal consistency/ concurrence and approval of local permits. (Minimum of three to five months). In progress - (ii) Estimated project completion date, 04/15/2023. (iii) Project Status: In progress - Contractor will submit 65% Design for PAGs review and comments. Other administrative submittals for PAGs review and comments will include: Construction progress schedule; Phasing Plan; QC Plan; Accident Prevention Plan, and Activity Hazard Analysis by the Contractor and Subcontractor. *Status Update:* Pre-construction activities ongoing; PAG awaiting Design and other required submittals for review and comments.

- **Harbor of Refuge Repairs.** On August 5, 2022, the Official NTP was issued to ART Constructors, LLC. Project completion is 180-calendar days or 6 months from NTP issuance, including obtaining all permitting requirements. *Status Update:* Project ongoing; initial invoices have been submitted to include project related work that has been performed to include long lead items that have been purchased.

- **Gantry Crane Acquisition.**
 - **Acquisition of an STS Gantry Crane by the PAG. Next Steps:** (i) Procurement Planning Meeting; (ii) Preparation of Bid Package; (iii) Advertisement of Bid. Requisition of one STS gantry crane has been submitted by Transportation Division and currently with Procurement. *Status Update:* Requisition for one (1) crane has been entered. WSP submitted additional information to include Liftech update to the STS crane specification and the Wharf Periods of Vibration Report. This update will be incorporated into the crane procurement specifications.
 - **USDA Direct Loan.** PAG Finance was assigned to develop a request for proposal to select a lender to provide commercial loan financing for replacing the PAG's Ship-to-Shore Gantry Cranes and acquiring additional cargo handling equipment, e.g., Tractors, Telescopic 150-Ton Crane, Top lifters, Forklifts. PAG will be guided by the USDA Communities Facilities Rural Development Leadership, PAG Legal Counsel, and PAG Procurement Team moving forward. *Status Update:* Status quo
- **MARAD MEGA Grant Program.** The 3 STS Gantry Cranes application was submitted for MARAD's mega grant program on May 20, 2022. According to U.S. DOT website, the recipients of RURAL and Mega grants will be announced in the coming months. *Status Update:* MARAD has not released its grant award announcement as of 12/22/2022.
- **MARAD Marine Highway Program:** The Port was awarded \$5.7M for various container yard equipment. *Status Update:* Grants Management Specialist informed Planning staff that reduced scope was approved (reduced tractor count from 11 to 9) and removed Admin and Legal funding request due to CatEx documentation finished by MARAD. Planning, Operations, and Procurement staff discussed procurement strategy and determined separate contracts and timelines would be best to ensure project proceeds without unnecessary delays; Planning relayed procurement strategy to MARAD on December 16, 2022.
- **Office of Local Defense Community Cooperation (Formerly Office of Economic Adjustment–OEA).** \$1.2 Million OLDCC grant was awarded to the Port for a comprehensive two-phase in-water infrastructure feasibility study and a military support assessment for Area A and Hotel Wharf. Memorandum of Agreement for the in-water feasibility study was signed by the Governor on October 25, 2022 and the Notice to Proceed was issued on October 31, 2022. *Status Update:* Port's OAE is currently working on the infrastructure feasibility study.
- **EPA Diesel Emissions Reduction Act (DERA) Program.** The operations, Procurement, and Planning Team have been working on procuring four (4) tractors. PAG Procurement cancelled bid due to high price/budget concerns. Transportation

Division re-entered requisition #20846 on October 24, 2022 for 4 tractors, per instruction from Procurement Division; requisition was subsequently approved. *Status Update:* Procurement is drafting written determination for legal counsel/Management review. Project is still in active procurement.

- **US DOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program.** On August 10, 2022, MARAD approved PAG's request to incur up to \$635,700 in the project's pre-construction environmental/architectural/engineering fees (upgrade and rehabilitation of wharves F1-F6). PAG may incur costs for the following items:
 - NEPA Environmental Compliance Activities
 - Geotechnical Investigation
 - Topographic Survey
 - Updated Bathymetric Survey
 - Coastal Engineering Analysis
 - Permitting
 - Develop Scope of Work and RFP for Repair Projects

Status Update: The Port will be working with USACE through the MOA established between the Government of Guam and the USACE whereby technical and professional support will be provided to the Port with regards to its NEPA requirements.

- **Office of Insular Affairs Maintenance Assistance Program (MAP):** The PAG Welding Shop Phase 1 & 2 project (awarded in 2020 & 2021) is currently pending the HABS/HAER report prior to construction. *Status Update:* EA Engineering, Science, and Technology, Inc., a sub-contractor under WSP, is currently developing a Determination of Eligibility Report as part of this process. The anticipated delivery date of the Determination of Eligibility is February 2023 with a draft to be ready for Port review on the 2nd or 3rd week of January 2023.
- **Office of Insular Affairs Maintenance Assistance Program (MAP):** The PAG was awarded the FY22 MAP grant on June 29, 2022 for the Generator Maintenance Program. The NEPA review was conducted by the USACE from July 2022 to November 8, 2022 and OIA issued the Authorization to Proceed (ATP) on November 10, 2022. *Status Update:* A planning procurement meeting was held and both planning and facilities are working towards finalizing the procurement packet for the Generator maintenance contract.

10. Port Revenue Bonds Project Status. As of February 6, 2023, the attachment provides information on the status of the revenue bond projects that consist of rehabilitation of the hotel wharf, golf pier repairs and improvements, waterline replacement/ relocation, EQMR building, and warehouse one repair/upgrades, new admin annex building, and other priority projects.

V. OLD BUSINESS

1. **Request authorization to create the positions of Chief Financial Officer and General Administration Manager (motion to proceed with the transparency process as required by Title 4, GCA, §6303.1).** At the previous meeting, the Board had authorized management to begin the process to create the positions of Chief Financial Officer and General Administration Manager. In creating the positions pursuant to Rule 5.015 of the Port's Personnel Rules and Regulations, being presented before the Board is a petition that includes justification of the new position; essential details concerning the creation of the position; an analysis of the similarities and differences between the position to be created and the positions listed in Title 4, GCA; position description; proposed pay range and a fiscal note. At this time, the General Manager requests for the Board's authorization to commence the transparency process.

Director Guthertz made motion to authorize management to begin the transparency and disclosure process for the creation of positions for both Chief Financial Officer and General Administration Manager as required by Title 4, GCA, Section 6303.1. Motion was seconded by Director Taitano. Discussion followed, and Director Taitano asked whether there was a position description done for both positions and compared to existing positions on the job duties and responsibilities. The Vice Chairperson mentioned that the petition for the creation of positions presented before the Board includes the job description - nature of work, illustrative examples of duties, the knowledge, abilities and skills (KAS) that is required on a job announcement for recruitment process. The General Manager added that the petition also provides for the authority of which positions are to be created, compliance requirements, position justification, methodology, classification review, analysis of similarities and differences, and a fiscal note. He mentioned that the next step is the transparency process which includes posting on the Port's website for public comments and provide notice to the media. Afterwards, the creation of positions will be brought back to the Board for further action. If approved, the creation of positions will be transmitted to the Department of Administration and the Legislative Secretary. Once the positions are created, it will be filled through the merit process. There being no further discussion, the motion on the floor was called to a vote and was unanimously approved.

VI. NEW BUSINESS

1. **Award of RFP-PAG-022-005 Medical Examination Services.** The General Manager presented executive summary RFP-PAG-022-005 for the Medical Examination Services where three (3) prospective offerors obtained RFP packets, and of that, two (2) companies submitted proposals prior to the deadline established. Upon review of the bid proposals submitted, it was determined that both were responsive and in compliant with the RFP procurement requirements. Upon completion of the evaluation bids performed by the Port's evaluation committee team on the scoring and ranking, resulted in International Health Providers (IHP) as being the highest and best qualified offeror. In review of IHP's rates and fees by the Port's cost negotiations team, found the rates to be fair and reasonable. This procurement bid process has been reviewed by Port counsel and is now being brought before the Board for contract award approval.

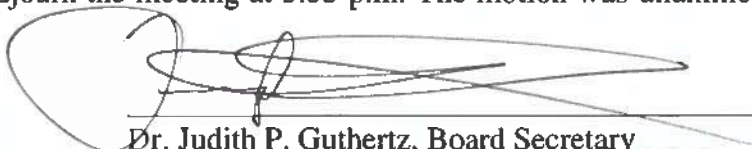
Director Taitano made motion to approve the award to International Health Providers for RFP-PAG-022-005 for the Medical Examination Services, who has been deemed responsive and responsible and has met all the requirements and specifications set forth in the Request for Proposal, which is consistent with the Guam Procurement Regulations. Motion was seconded by Director Guthertz and was unanimously approved.

2. **Award of IFB-PAG-CIP-022-009 Warehouse I Hardening Project.** The General Manager presented executive summary IFB-PAG-CIP-022-009 for Warehouse I Hardening Project where thirteen (13) prospective bidders obtained IFB packets, while only two (2) companies participated in the bid opening. During the bid opening process, a review of the required documents for bidding was conducted and it was determined that the responsible and responsive bidder with the lowest price was Ian Corporation with a bid amount of \$579,777.53. This procurement bid process has been reviewed by Port counsel and is now being brought before the Board for contract award approval. Director Taitano recalls there being a concern raised by the Attorney General's office as to issuance of contracts and asked whether the bid contract or bid procurement process being presented for award of this project is in compliant. Without objections, Mr. Steven Muna, Port's Contract Services Administrator explained that this particularly bid was reviewed by the Attorney General's designated Special Assistant Attorney General (SAAG) Christine Claveria, who was the then-Port counsel. As the bid exceeds the \$500M threshold, requires SAAG review. Therefore, this procurement bid process through contract award is in order. At this time, the Board unanimously approved contract award to Ian Corporation for IFB-PAG-CIP-022-009 for the Warehouse I Hardening Project, who has been deemed to have met all the requirements and specifications set forth in the IFB, and is consistent with the Guam Procurement Regulations.

3. **Employee Incentive Event Request \$10K.** In preparation and celebration of the upcoming events, the General Manager requested \$10K that would cover the employee incentive programs. Director Guthertz made motion to approve the Employee Incentive Event request in the amount of \$10,000, seconded by Director Taitano. Motion was unanimously approved.

VII. ADJOURNMENT

There being no further business to discuss, it was moved by Director Guthertz and seconded by Director Taitano to adjourn the meeting at 3:35 p.m. The motion was unanimously passed.



Dr. Judith P. Guthertz, Board Secretary
Board of Directors

APPROVED BY:



Dorothy P. Harris, Acting Chairperson
Board of Directors





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General Manager's Report for Board of Directors

April 6, 2023

- 1. Port Hires Legal Counsel Jessica L. Toft.** On February 27, 2023, the Port welcomed Attorney Jessica L. Toft as its Port Staff Attorney. As a graduate from the University of Wisconsin-Madison with a Bachelor of Arts Degree in Behavioral Science and Law, Attorney Toft furthered in her studies at the University of Wisconsin Law School where she obtained her law degree. In 2004, Attorney Toft was hired by the Office of the Attorney General of Guam, then worked at the Judiciary of Guam as a Law Clerk in 2006. It was in this position that Attorney Toft found her affinity for procurement law. As an Assistant Attorney General, Attorney Toft honed her knowledge of procurement law and appeals by advising executive agencies of the Government of Guam in procurement and procurement appeals. Additionally, her responsibilities included advising in Open Government Law matters, Freedom of Information matters, and reviewed Guam Administrative Rules and Regulation. Having Attorney Toft join our team focusing on procurement will push our outstanding items forward. Her extensive knowledge in procurement, as well as Open Government Law and Freedom of Information Law reinforces our commitment to transparency.
- 2. Zero Waste Conference.** As a member of Guam's Zero Waste Working Group, I had an opportunity during the conference held on March 1, 2023 to speak on the successes the Port has had implementing transformative sustainability programs that will have a positive impact on our island for generations to come. Back then, as a senator, I had authored visionary laws that are now being implemented at the Port, such as the Recycling Revolving Fund and the Recycling Enterprise Zone. These laws support the establishment of the Zero Waste Master Plan, providing a sustainable long-term approach toward establishing a green circular economy and developing a more sustainable, robust, and resilient economy for Guam and our region.

Sustainable port development is a critical issue worldwide and has a direct impact on international and domestic freight transportation as well as local and national economic and social development and environmental protection. At the Port Authority, we have been working on sustainable projects to address air pollution, dust, noise and water pollution, re-use and recycling initiatives; protecting freshwater

resources, targeted marine litter initiatives; addressing soil and sediment contamination and protecting habitats and enhancing biodiversity. Also, as a component of the Port's 2023 Master Plan update the agency is developing a study on the benefits of installing solar panels on port buildings as well as reducing the Port's reliance on the island's power grids by utilizing its generator to assist the Guam Power Authority, whenever we have to go off-grid.

There are many sustainable initiatives already ongoing at the Port Authority, such as:

- replacement of four terminal tractors with 16 Tier-3 ultra-low sulfur diesel (ULSD) terminal tractors.
 - adding eight top lifters at the tier-4 ULSD levels to our fleet. These tier-4 engines are required to run off of ultra-low sulfur diesel which contains only 15 parts per million of sulfur. The switch to the ultra-low sulfur diesel terminal tractors has resulted in a drastic reduction in sulfur emissions without a perceptible difference in energy output.
 - Zero Waste was the focus of the ongoing \$2.5 Million demolition project to dismantle and properly dispose of massive inoperable assets at the Port. Every piece of equipment is being cut up and transported off island for recycling. Not a single piece of metal taken from these cranes or any debris from the barges will remain on Guam.
 - Abandoned derelict vessels at the Guam Harbor of Refuge. The physical presence of these abandoned derelict vessels was detrimental to sensitive marine and coastal habitats as they can sink or move during storms, disperse oil and toxic chemicals still on board, and become a source of marine debris. Their removal helped to protect the environment and facilitated renewed use of the harbor. Guam EPA, GPA, the Port as well as the Navy's Salvage team, worked collaboratively on this very successful project.
3. **USCG Annual Safety Inspection.** An annual inspection of the Port facilities was conducted on March 8, 2023 by the US Coast Guard. Areas include EQMR building, welding shop, CFS building, Upper/Lower Tower, checkpoint, container yard and load center stations. I am pleased to announce that there were no discrepancies found and therefore, the Port has passed its inspection. Congratulations for a job well done to the divisions of Safety, Operations, EQMR, Port Police and Harbor Master.

4. **Waterline Replacement and Relocation Project.** A groundbreaking was held on March 9, 2023 for the Waterline Replacement and Relocation Project, which is one of the bond funded projects. Contracted to BME & Sons with an estimated project completion date of May 2024. This \$4.8M project looks to:
 - relocate the main service feed line to perimeter of terminal that will minimize any impact to on-going terminal operations.
 - provide redundancy and address 15 major leaks that have been identified in the last three years.
 - new water lines will improve water pressure to meet local building codes, National Fire Protection Association requirements, and USCG requirements for firefighting operations.
 - provide a shutoff and isolation valve to allow for proper system testing, servicing and maintenance.

5. **Mes Chamoru Events.** A celebration on *Mes Chamoru* festivities took place last month in March. The Port employees provided demonstrations on a variety of local flavored foodies, such as the *bunelos manglo* (air doughnuts), *rosette* (pretzel cookies), *rosketti* (cookies), *guyuria* (jawbreaker cookies) and *bunelos uhang* (shrimp patties). The final luncheon celebration took place on March 24, 2023 at the Port Authority Hut where port employees, port tenants, family and friends joined together to feast on the local foods. During the finale, the Port employees and guests were also able to observe the demonstration on *chahan* – underground cooking. The final close-out expense for this event was \$8,956.88. All unused funds in the amount of \$1,043.12 were returned to Finance.

6. **Gantry Crane Annual Certification.** On March 27-31, 2023, an annual inspection of the Port's three Gantry Cranes was conducted in accordance with OSHA Title 29 CFR, Part 1919. The scope of work included gantries 4, 5 & 6 and spreaders on each crane, plus two (2) spare spreaders. I am proud to announce that the cranes have successfully received its recertification and passed its inspection. Congratulations for a job well done to all sections of the Equipment Maintenance division and Mr. Joaquin Pangelinan, Manager of Equipment Support Services.

7. State of the Port Authority of Guam 2023– (Attached to this report).

- Major accomplishments
 - Massive upgrades and construction at the Port
 - Port modernization masterplan update
 - Grant awards
 - Financial stability
 - Port wins transparency award
 - Guam/CNMI Regional Resiliency Assessment Program
 - Organization Climate Survey

- Port Challenges
 - Buy American Act

- Goals
 - Ship-to-Shore gantry cranes
 - Port sustainability
 - Hotel Wharf Rehabilitation
 - Replacement of Terminal Tractors
 - Solar Power Feasibility Study
 - Mitigation of Sea Level Rising – Wharves Service Life Extension from piers F1 to F6

8. General Manager's Notes for YTD Finances. We are providing the following summary for February 28, 2023:

REVENUES AND CARGO THROUGHPUT:

- The Port's Total YTD Operating revenue for February 28, 2023, is \$23.8 million, 7.0% or \$1.8M lower than the YTD February FY 23 budget projection of \$25.6M.

- The total number of containers handled as of February 28, 2023, is 34,012, 7.3% or 2,666 containers lower than last year's February 2022 YTD total of 36,678

OPERATING EXPENSES:

- Overall Operating expenses, as of February 28, 2023, is \$22.3M, which is 1.0% or \$199K higher than the YTD budget for February with a total of \$22.1M. The current total expense as of February is 42% of the total approved FY2023 Budget in the amount of \$53.1 M.

OVERTIME EXPENSE AND DIRECT LABOR REVENUE:

- YTD Overtime for Divisions involved in Operations is \$718K, 14% or \$86K higher than the overtime budget for YTD February at \$632K.

Direct Labor reimbursement is \$1.6M, 2.6% or \$42K lower than the FY23 budget of \$1.66M.

Here is the breakdown:

Direct Labor Revenue:	\$1,614,173
Operations Overtime:	<u>\$ 718,128</u>
Variance:	\$ 896,045

YTD OPERATING REVENUES MINUS YTD EXPENSES:

- Operating revenues minus operating expenses resulted in an operating income of \$1.5M. The final result for February is a net income of \$1.4M, after deducting the net of Other Income/Expenses totaling -\$79K.

Note: \$79K is a net balance of Other Income and Expense composed of Interest Income, Interest Expense, Federal Reimbursements, Federal Expenses, Retirees COLA, Supplemental, Medical and Dental, and Other Non-Operating Income & Expenses.

Other Financial Highlights, as of February 28, 2023:

- The debt service ratio as of February 28, 2023, is 1.20. This is 4% lower than the Bond Indenture Debt service ratio requirement of 1.25.
- Days Cash on Hand is 925 days, 85% or 425 days higher than the 500 days requirement of Moody's Rating agency.

Debt Service Ratio – February 2023

Projected Annual Debt Service Coverage	1.20
Debt Service Coverage Requirement	1.25
Variance	-0.05
% Above the Indenture Requirement	-4%

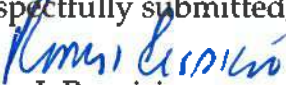
9. Grant Awards and Ongoing Grant Submissions.

- **U.S. Economic Development Administration (EDA) Fuel Pipeline Connectivity Project.** *Status update:* EDA accepted PAG's recommendation to move forward with selected firm on March 8, 2023. EDA approved PAG's request to adjust grant budget categories on March 21, 2023. Contract pending Board approval.
- **Department of Agriculture Grant (DOAG).** U.S. Fish Wildlife Services approved a 12-month no-cost schedule modification of grant-funded projects actively listed below.
 - **Agat Marina Dock B Construction.** The Official NTP was issued to AIC International on August 4, 2022. Project completion is 243 calendar days from NTP issuance, including obtaining all permitting requirements.
Status Update: PAG approved the final design. Pending review and approval of permits by USACE. The Contractor will be requesting a No-Cost Schedule Extension, due to design and environmental permitting delays.
- **Harbor of Refuge Repairs.** A 60-day time extension was approved by PAG from February 4 to April 5, 2023. *Status Update:* The PAG Engineers met with the Contractor, ART Constructors, and to date 36 out of 48 moorage systems are fully installed. The remaining moorage system is in Rows D & E (the same row as the sunken vessels). The Contractor requested to proceed with installing the moorage systems directly adjacent to the sunken vessels at no cost to the Port. Their plan is to work on a single system at a time. The sunken vessels will have three lines always holding them in place. No new lines were purchased. The Subcontractor will ensure the sunken vessels always remain secured using their existing lines.

- **Gantry Crane Acquisition.**
 - **Acquisition of an STS Gantry Crane by the PAG.** *Status Update:* Requisition for one (1) crane has been entered. WSP submitted additional information to include Liftech update to the STS crane specification and the Wharf Periods of Vibration Report. This update will be incorporated into the crane specifications. *Status Update:* The PAG Legal Team is reviewing the IDIQ draft package provided by the Procurement Division.
 - **USDA Direct Loan.** PAG Finance was assigned to develop a request for proposal to select a lender to provide commercial loan financing for replacing the PAG's Ship-to-Shore Gantry Cranes and acquiring additional cargo handling equipment, e.g., Tractors, Telescopic 150 Ton Crane, Top lifters, Forklifts. PAG will be guided by the USDA Communities Facilities Rural Development Leadership, PAG Legal Counsel, and PAG Procurement Team moving forward. *Status Update:* Status quo.
 - **MARAD MEGA Grant Program.** The 3 STS Gantry Cranes application was submitted for MARAD's mega grant program on May 20, 2022. According to the U.S. DOT website, the recipients of RURAL and Mega grants will be announced in the coming months. *Status Update:* PAG was not considered for the MEGA grant program.
- **MARAD Marine Highway Program.** The Grants Management Specialist informed Planning staff that reduced scope was approved (reduced tractor count from 11 to 9) and removed Admin and Legal funding request due to CatEx documentation finished by MARAD. *Status Update:* On March 22, 2023, MARAD indicated a grant agreement will be sent to PAG for concurrence shortly.
- **Office of Local Defense Community Cooperation (Formerly Office of Economic Adjustment OEA).** \$1.2 Million OLDCC grant was awarded to the Port for a comprehensive two-phase in-water infrastructure feasibility study and a military support assessment for Area A and Hotel Wharf. Memorandum of Agreement for the in-water feasibility study was signed by the Governor on October 25, 2022 and the Notice to Proceed was issued on October 31, 2022. *Status Update:* Port's OAE is currently working on the sustainability and zero waste feasibility study Scope of Work to support the Port's grant application.

- **EPA Diesel Emissions Reduction Act (DERA) Program.** Requisition was entered on October 24, 2022 for 4 tractors. IFB/PAG-010-23 was advertised on February 1, 2023. Two bids were received by the deadline on February 22, 2023. *Status Update:* Due to two unsuccessful attempts with the IFB procurement process, U.S. EPA approved to procure from the Federal GSA Schedule. Project is in active procurement.
 - **US DOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program.** *Status Update:* The Port will be working with USACE through the MOA established between the Government of Guam and the USACE whereby technical and professional support will be provided to the Port on NEPA requirements.
 - **Office of Insular Affairs Maintenance Assistance Program (MAP).** The PAG Welding Shop Phase 1 & 2 project (awarded in 2020 & 2021) is currently pending the HABS/HAER report prior to construction. *Status Update:* The PAG submitted comments on the draft Determination of Eligibility and Assessment of Effect on March 2, 2023. The revised versions of both documents are now under review by WSP prior to submission to the SHPO.
 - **Office of Insular Affairs Maintenance Assistance Program (MAP).** PAG was awarded the FY22 MAP grant on June 29, 2022 for the Generator Maintenance Program. *Status Update:* The generator maintenance & sustainment bid IFB-PAG-012-23 was announced on March 6, 2023 in the Guam Daily Post and on the Port website. The Pre-proposal conference was held on March 10, 2023 with two potential bidders in attendance. The Bid opening is scheduled for April 5, 2023.
10. **Port Revenue Bonds Project Status.** As of March 24, 2023, the attachment provides information on the status of the revenue bond projects that consist of rehabilitation of the hotel wharf, golf pier repairs and improvements, waterline replacement/relocation, EQMR building, and warehouse one repair/upgrades, new admin annex building, and other priority projects.

Respectfully submitted,


Rory J. Respicio
General Manager



PORT OF GUAM
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Website: www.portguam.com



Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

State of the Port Authority of Guam 2023

The Port's impact on the quality and sustenance of life for the island and region cannot be understated. Our hard work continues as we focus on the critical role the Port plays for the Department of Defense's Indopacific Strategy and Pacific deterrence efforts. Geopolitical matters make this a pivotal point at the Port. Right now, morale is at an all-time high, cargo movement productivity has reached a level not seen before and shippers are moving their vessels out in record-breaking times. We have experienced unprecedented success at our island's only commercial seaport backed by the undeniable Port Strong Spirit.

MAJOR ACCOMPLISHMENTS:

Massive upgrades and construction at the Port Authority of Guam: The PAG remains steadfast in aggressively pursuing federal funding opportunities, enhancing revenue generating sources and efficiently working toward completing capital improvement projects in a sustainable manner. This includes the demolition of the inoperable assets that by removing this equipment will provide space for additional business activity and revenue-generating opportunities at the Port. The \$2.5 Million demolition project began in March of 2022 and is ongoing. The project will safely demolish and properly dispose of massive inoperable assets, which includes two gantry cranes, two rubber-tired gantry (RTG) cranes, one mobile Harbor (MH) crane and two barges and will free up valuable dock space and generate increased revenue by acquiring new cranes as early as 2026. In June of last year, we also kicked off nearly \$50M in construction work for the rehabilitation of Hotel Wharf, construction at the Agat Marina, and the renovation and repair of the Harbor of Refuge. The total cost for all three projects is \$48,696,645.00.

Port Modernization Masterplan Update: Over the past year, the Port has worked tirelessly to update the Port Master Plan, which will further enhance our core capabilities, achieve resiliency and implement new strategies based on the agency's financial, operation and sustainability needs. In this past year the Port has worked non-stop to update the Port's Masterplan and to define its near-term and long-term approach to modernization, maintain fiscally viable operations and promote increased awareness and consensus on its approach towards becoming sustainable and more energy efficient. The updated Master Plan will modernize facilities and services while recognizing the evolving priorities of Guam's community and the Western Pacific Region. The Master Plan Update is expected to be completed later this year.

Grant Awards: The Port Authority continues its aggressive efforts in pursuing federal monies to fund the acquisition of new equipment and facility upgrades. In 2022, the Port was awarded more than \$7.6 Million for various infrastructure projects including a \$5.7 Million award under the America's Marine Highway Program (AMHP). Grant funds will go toward expanding the Port's fleet of specialized container yard equipment. The equipment includes two 40-ton loaded container handlers; three 10-ton empty container handlers; five 5.5-ton forklifts; one 180-foot boom lift; nine container yard tractors; and two 40-plug mobile reefer generators.

Financial Stability: The Port Authority has been practicing fiscal responsibility to keep the agency economically solvent. When we came into office, the Port's finances were in shambles. Through prudent management, strong internal controls, and cost containment, the Port went from a loss of \$103,000 in FY18 to a net operating income of more than \$16.9 million during FY22. The Port has been operating with a 'zero-based budgeting' mindset, focusing on financial discipline along with realistic spending plans while identifying continued potential cost savings. And now, each and every year the finances at the Port have improved and brought the Port to heights never seen before. Just last year, Moody's Investors Service announced that they have maintained PAG's positive bond rating of Baa2 stable for FY2022 and S&P Global Ratings announced that they have maintained the outlook for the Port at stable and affirmed its 'A' long-term rating on the agency's outstanding series 2018 Port Revenue Bonds. The Port also achieved the designation as a Low-Risk Auditee from independent auditors Deloitte and Touch, LLP for the third consecutive year, rendering a clean opinion of the Port's financial statements and compliance over major federal programs. All of this good news at the Port in the area of finances brings us the credibility needed to seek funding to replace the Port's aging gantry cranes, rehabilitate the wharves to ensure resiliency, and replace our aging facilities, so that the Port does not become a choke point for discharging and deploying military assets and commodities, in addition to our charge to keeping the Port 100% operational at all times.

Port Wins Transparency Award: Just last month, the Port was awarded the First Place Platinum Award for their Citizen-Centric Report publication. This is the second time the Port has received the First Place "Excellence in Citizen-Centric Reporting Award" from the Association of Government Accountants, Guam Chapter. The Port has even won national transparency awards and all of these awards show our commitment to elevating transparency and comprehensible reporting.

Guam/CNMI Regional Resiliency Assessment Program (RRAP): Guam and CNMI, through a joint effort, received grant funding for the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) to conduct a comprehensive cyber and physical security assessment of the Port Authority of Guam and the Commonwealth Ports Authority. The program kicked off in November and is ongoing. This project will study the existing information and operational technologies used today and will guide Port management and stakeholders to collaborate toward achieving strength and sustainability of the supply chain, services and operations.

Organization Climate Survey: The Port Authority of Guam conducted its third annual employee survey which showed overwhelming job satisfaction among its employees. The anonymous survey conducted in December 2022 allowed participants to speak their truths on various categories involving their work experience at the Port. A total of 306 out of 346 employees completed the survey which is an 88% response rate. The general survey results showed overwhelming positive responses in the areas of job satisfaction and revealed that employees believe that morale is at an all-time high. Ninety-eight percent of responses feel positive about their overall work experience with 93% feeling they receive the information they need to perform their duties, while a remarkable 97% of all employees who took the survey feel a sense of accomplishment from their work. Ninety-six percent feel that management and supervisors know their job well and 95% recognizes employees for their good work performance and communicates on how an individual's job performance can be improved.

PORT CHALLENGES:

One of the challenges faced by the PAG is the Buy American Act requirement associated with grant funding. For example, Ship-To-Shore (STS) gantry crane manufacturers have not operated in the US for approximately 30 years. All STS gantry crane providers are foreign: Finland-based Konecranes,

Ireland-based Liebherr, Japanese based Paceco-Mitsui, South Korea-based Hyundai, and China-based ZPMC and Sany Group. Additionally, replacement of piers and wharves require a substantial amount of steel piling and sheet pile for structural support. Although there are US manufacturers of these steel products, the cost of materials and delivery are significantly higher than products made in Japan, South Korea or other Asian countries. The recent surge of inflation has severely impacted construction costs, especially for projects that received funding prior to 2021. The PAG has reached out to federal partners and our Congressman to assist with waivers of the Act for the Port.

GOALS:

Ship-to-Shore (STS) gantry cranes: The Port has spent the last year laying the groundwork and even secured bipartisan support for the expansion of its facilities and the acquisition of new cargo handling equipment and three new gantry cranes. Working with members of Congress and other critical federal partners, the Port continues to advocate for Guam seeking U.S. Indo-Pacific Command and the Department of Defense to fund the Port of Guam's readiness program along with statutory authorization for the execution of funds so that the Port does not become a choke-point in the deployment of military and civilian commodities. The Port Authority of Guam sustains the economies of the Western Pacific Region as the lifeline to the rest of the world. This, along with impending military buildup in Guam, is the reason for the acquisition of new Ship-to-Shore (STS) gantry cranes of being a top priority. The Port has applied for federal grants and loans for the cranes and is developing the STS gantry cranes specifications for procurement. The acquisition of a new STS gantry crane would be the first new crane the Port would procure in its 47 years of autonomy as past and current cranes have been second-hand equipment owned by other American ports.

Port Sustainability: Sustainable operations and emerging sustainability solutions have been at the forefront of our long-term goals and vision for the agency. Ports sit at the epicenter of energy transformation worldwide and our Port on Guam is embracing the emerging green infrastructure policies and initiatives expected to come in the next decade. Some steps the Port has taken to move toward sustainable operations include:

- Hotel Wharf Rehabilitation- relocation of 258 coral colonies with monitoring over a 36-month period, construction debris removal, adding storm water outfalls, sea turtle conservation and silt and sediment control.
- Replace 4 terminal tractors with 15 Tier-4 Ultra-low sulfur diesel (ULSD) terminal tractors.
- Solar Power Feasibility Study.
- Mitigation of Sea Level Rising - Wharves Service Life Extension from F1 to F6.

Respectfully,


RORY J. RESPICIO
General Manager

**2018 Port Revenue Bonds Status Report
As of March 24, 2023**

Bond Project	Total Award Amount	Total Draw Down	Total Remaining Balance	PROCUREMENT IFB/RFP/PO Number	Status
Rehabilitation of "H" Wharf (Federal Share & Port Share)	\$0.00 \$46,331,895.00	\$0.00 \$1,284,300.22	\$0.00 \$45,047,594.78	PO No. 17043-0F for \$2,249,945.54 awarded to GHD Inc. New Contract Amount: \$2,656,621.37 PO No. 18140-0S was issued to Sumitomo Mitsui Construction Company, Ltd. for \$46,331,895.00	The Port submitted its Buy American Act (BAA) Waiver for construction materials for its Hotel Wharf Project along with the Board approved Resolution on moving forward with Management's consideration to purchase steel from WFO and GPA partner countries due to the exorbitant cost of the steel piles which was estimated to be over 37% cheaper than if purchased domestically. In addition, the delivery period would have the steel on Guam in 6 months as opposed to 12 months. MARAD acknowledges the importance of the Wharf's upgrade, but the Port's request was denied. On February 1, 2023, the Port Team paid a courtesy visit to Rear Admiral Ann Phillips, Administrator of the USDOT Maritime Administration and brought to light the Port's challenges with the BAA restrictions. Moreover, it's going to cost the Port \$12 Million to get MARAD's \$10 million TIGER grant. After much discussion, MARAD suggested that the Port should submit a BAA compliant application for H-Wharf under the 2023 Port Infrastructure Development Program Discretionary Grant (PIDP: Due April 28, 2023). This new application will conform to the BAA requirements since there is no foreseeable policy decision that will consider non-BAA purchases with federal funds.
Golf Pier Repairs and Improvements	\$2,000,000.00	\$372,147.93	\$1,627,852.07	RFP No. 2019-02: A&E Design for \$484,000.17 awarded to NC Macario	The Port is working with consultant WSP to finalize supporting documentation for its Golf Pier Replacement Project grant application to the 2023 MARAD PIDP on April 28, 2023.
Waterline Replacement and Relocation	\$6,000,000.00	\$319,086.18	\$5,680,913.82	RFP No. 2019-03: A&E Design for \$1,406,427.48 awarded to NC Macario	Contractor received the DPW building permit on February 3, 2023. Groundbreaking held on March 9, 2023. The estimated completion date for the project is now February 2024.
EQMR Building Repairs and Upgrades	\$3,628,800.00	\$447,013.13	\$3,181,786.87	RFP No. 2019-03: A&E Design for \$1,406,427.48 awarded to NC Macario	NTP issued on January 3, 2023. The contractor is working to provide project submittals prior to the start of construction.
Warehouse 1 Repairs	\$2,000,000.00	\$447,013.13	\$1,552,986.87	RFP No. 2019-03: A&E Design for \$1,406,427.48 awarded to NC Macario	Procurement packet is being developed prior to PAG in-house legal review.
Other Priority Projects 1. Repair of F-1 Fuel Pier and wharves F-2, F-3, F-4, F-5, and F-6 waterfront facilities 2. Upgrade of the Port's IT system and integration of TOS	\$4,980,745.00	\$0.00	\$4,980,745.00	See status	1. Please refer to MARAD RAISE - Wharves Service Life Extension Hardening of Wharves F1-F6 for more information. 2. Cargo Velocity to provide feedback on TOS supplier responses to market research inquiries.
Other Priority Projects - EnterpriseOne Financial Management System	\$2,500,000.00	\$2,365,568.22	\$134,431.78	See status	Module updates are ongoing, including work on Job order modules for vessels and SSRs. Status Quo.
New Admin. Annex Building	\$10,445,000.00	\$0.00	\$10,445,000.00	See status	Project is currently on hold pending Management decision.
Grand Total	\$77,886,440.00	\$5,235,128.81	\$72,651,311.19		



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Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

March 24, 2023

MEMORANDUM

To: Board of Directors

From: Rory J. Respicio, General Manager 

Subject: Creation of Positions of Chief Financial Officer and General Administration Manager

Hafa Adai! On December 29, 2022, the Board of Directors authorized management to create the positions of Chief Financial Officer and General Administration Manager. Subsequently thereafter, the Board of Directors at its meeting of February 23, 2023 authorized management to proceed with the transparency process for those positions.

To comply with the transparency process as mandated by 4 GCA Section 6303.1, the creation of position documents were posted on the Port's website, port employees were notified, and notification was also provided to electronic and written media outlets. The postings and notifications were provided on March 3, 2023, and deadline to submit comments was on March 22, 2023.

Be advised there were no comments received by the Port employees or the general public regarding the creation of these positions.

In light of the above, the transparency requirements were met and it is requested that approval and adoption of the Chief Financial Officer and General Administration Manager positions be established in the classified service at a Pay Grade P and Pay Grade M, respectively.

I am available for any questions you may have.



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Public Notices

- [Creation of Position General Administration Manager – Comments Submission Extended](#)
- [Creation of Position Chief Financial Officer – Comments Submission Extended](#)
- [Chief Financial Officer](#)
- [General Administration Manager](#)
- [Creation of Position Port Chief Engineer](#)
- [Creation of Position CIP Manager](#)
- [Creation of Position Port Terminal Supervisor – Comments Submission Extended](#)
- [Creation of Position Port Terminal Worker – Comments Submission Extended](#)
- [Creation of Position - Port Terminal Worker](#)
- [Creation of Position - Port Terminal Supervisor](#)
- [Miscellaneous Services & Charges - Water Rate 080621](#)
- [Fendering System Hardening Project – Initial Public Notice](#)
- [Warehouse 1 Hardening Project – Initial Public Notice](#)
- [Labor Day Message](#)
- [PAG All Hazards Alert Warning System Test](#)
- [PAG Docket 17-01, 5 Year Tariff Increase 080720](#)
- [PEMRA GFT Petition for Exclusive Recognition on Port Police Personnel](#)
- [U.S. EDA PAG Comment Period for Installation of Fuel Pipeline System Environmental](#)



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- [U.S. EDA PAG Comment Period for Installation of Fuel Pipeline System Environmental](#)

Margret Duenas

From: Phill Leon Guerrero <phill@postguam.com>
Sent: Thursday, March 9, 2023 8:44 AM
To: Margret Duenas
Subject: Read: Port News: Creation of Positions Chief Financial Officer and General Administration Manager
Attachments: Read: Port News: Creation of Positions Chief Financial Officer and Gener... (12.9 KB)

"Disclaimer: The content of this message is confidential and intended only for the use of the individual or entity to which it is addressed. If you have received it by mistake, please inform us by an email reply and then delete the message. It is prohibited to copy, forward, or in any way reveal the contents of this message to anyone. The integrity and security of this email cannot be guaranteed over the Internet. Therefore, the sender will not be held liable for any damage caused by the message."

Margret Duenas

From: Limtiaco, Steve <slimtiaco@guampdn.com>
To: Margret Duenas
Sent: Wednesday, March 8, 2023 11:54 AM
Subject: Read: Port News: Creation of Positions Chief Financial Officer and General Administration Manager

Your message

To: Limtiaco, Steve
Subject: Port News: Creation of Positions Chief Financial Officer and General Administration Manager
Sent: Wednesday, March 8, 2023 11:43:13 AM (UTC+10:00) Guam, Port Moresby

was read on Wednesday, March 8, 2023 11:53:41 AM (UTC+10:00) Guam, Port Moresby.

Margret Duenas

From: Margret Duenas <mduenas@portofguam.com>
Sent: Wednesday, March 8, 2023 2:25 PM
To: 'Vivian Leon'; 'Jesse S. Mendiola'; 'Roseanna T. Castro'; 'Victor M. Camacho'; 'Chris Flores'; 'Jojo Guevara'; 'Shawn B. Cepeda'; 'Annette Mafnas'; 'Annie'; 'Bernadette Meno'; 'Jose G. Javellana'; 'Dennis Perez'; 'Paul R. Salas'; 'Clarence V. Lagutang'; 'Glenn Nelson'; 'Patrick E. Alvarez'; 'Joe Ulloa'; 'Raymond Santos'; 'jdtopasna01@portofguam.com'; 'Shine A. San Agustin'; 'Alex Aflague'
Subject: Creation of Positions Comments Submission Extended: CFO & GAM
Attachments: Chief Financial Officer.pdf; General Administration Manager.pdf
Importance: High

Hafa Adai All,

Please be advised that the comment deadline on submission of the following creation of positions have been extended to March 22, 2023. Kindly see attached.

- Chief Financial Officer
- General Administration Manager

Also available on our Port website. Kindly click on link: <https://www.portofguam.com/news/public-notice>

Comments are to be submitted to the Human Resources Division.

Regards - marge




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Website: www.portguam.com



Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

March 8, 2023

INTER-OFFICE MEMORANDUM

To: Division Heads
From: Rory J. Respicio, General Manager 
Subject: Proposed Creation of Position – Chief Financial Officer

Please be advised that the submission of comments have been extended to March 22, 2023.

The Board of Directors at their regular meeting of February 23, 2023 authorized management to begin the process to create the Chief Financial Officer position in the classified service.

To provide you with an opportunity to submit your inputs on the proposed position, we have posted the request to create the proposed position on the Port's website under "News – Public Notices" for your review and comments.

Should you have any questions, please feel free to contact the Human Resources Division at 477-5931/5, ext. 368 or 307.

Si Yu'os Ma'ase.




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Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

March 8, 2023

INTER-OFFICE MEMORANDUM

To: Division Heads
From: Rory J. Respicio, General Manager 
Subject: Proposed Creation of Position – General Administration Manager

Please be advised that the submission of comments have been extended to March 22, 2023.

The Board of Directors at their regular meeting of February 23, 2023 authorized management to begin the process to create the General Administration Manager position in the classified service.

To provide you with an opportunity to submit your inputs on the proposed position, we have posted the request to create the proposed position on the Port's website under "News – Public Notices" for your review and comments.

Should you have any questions, please feel free to contact the Human Resources Division at 477-5931/5, ext. 368 or 307.

Si Yu'os Ma'ase.

PORT AUTHORITY OF GUAM

JOSE D. LEON GUERRERO COMMERCIAL PORT

1026 Cabras Highway, Suite 201 Piti, GU 96915

Phone: (671) 477-5931 Fax: (671) 477-2689

Website: www.portguam.com



NEWS RELEASE

Creation of Positions Chief Financial Officer and General Administration Manager

Piti, Guam, March 8, 2023: In compliance with Title 4 of the Guam Code Annotated (GCA), the public is notified of the Port's request for the creation of the positions of Chief Financial Officer and General Administration Manager.

Request to the Board of Directors and supporting documents are available on the Port's website under "Public Notices" <https://www.portofguam.com/news/public-notices>, for public review and comment.

Please submit your comments to the Human Resources Division no later than March 22, 2023. For more information, please contact the Human Resources Division at 477-5931, ext. 368 or 307.

Margret Duenas

From: Margret Duenas <mduenas@portofguam.com>
Sent: Wednesday, March 8, 2023 11:43 AM
To: 'life@guampdn.com'; 'news@guampdn.com'; 'news@k57.com';
'gerrypartido@gmail.com'; 'news@sorensenmediagroup.com'; 'The Post Admin';
'editor@postguam.com'; 'Cagurangan Mar-Vic'; 'John Oconor'; 'nestor@kuam.com';
'mindy@postguam.com'; 'kstokish@gmail.com'; 'kishfm102.9@gmail.com';
'taentgu@gmail.com'; 'Kandit News Group'; 'newsdirector@kuam.com';
'production@joyfmradio.net'; 'raygibsonshow@gmail.com'; 'reporters@postguam.com'
Subject: Port News: Creation of Positions Chief Financial Officer and General Administration
Manager
Attachments: Port New Release - Creation of Positions.pdf

NEWS RELEASE

Creation of Positions Chief Financial Officer and General Administration Manager

Piti, Guam, March 8, 2023: In compliance with Title 4 of the Guam Code Annotated (GCA), the public is notified of the Port's request for the creation of the positions of Chief Financial Officer and General Administration Manager.

Request to the Board of Directors and supporting documents are available on the Port's website under "Public Notices" <https://www.portofguam.com/news/public-notices>, for public review and comment.

Please submit your comments to the Human Resources Division no later than March 22, 2023. For more information, please contact the Human Resources Division at 477-5931, ext. 368 or 307.

Margret Duenas

From: Annette M. Mafnas <ammafnas@portofguam.com>
Sent: Tuesday, March 7, 2023 1:19 PM
To: Margret Duenas
Subject: Fwd: Proposed Creation of Positions

From: "GuamWEBZ WebCare" <webcare@guamwebz.com>
To: "Annette M. Mafnas" <ammafnas@portofguam.com>
Cc: "Bernadette Sterne" <bsterne@portofguam.com>, "Josette Javelosa" <jjavelosa@portofguam.com>, "Shawn B. Cepeda" <sbcepeda@portofguam.com>, "Jessi J. Santos-Torres" <jjsantos-torres@portofguam.com>, "Mary C. Fejeran" <mcfeceran@portofguam.com>
Sent: Friday, March 3, 2023 6:10:05 PM
Subject: Re: Proposed Creation of Positions

Hi Annette,

This was done.

Regards,
James

Happy '23!

GuamWEBZ WebCare Team

For all your Web Updates and Support:
webcare@guamwebz.com

"WE CARE for your Web."

18+ YEARS! EXPERIENCE MATTERS.

Founded in 2004, we have almost two decades of expertise. We are Mariana Islands' homegrown web & digital solutions provider.

Sender's Note: This email and its content, including attachments, may have been prepared and/or sent by another member from our team on behalf of the person(s) named in this email, such as by a colleague/other team member, usually done so to expedite communication and/or in the spirit of sharing resources to get the task completed.

We may use AI applications in certain instances to improve communication and quality control.

On Fri, Mar 3, 2023 at 12:34 PM Annette M. Mafnas <ammafnas@portofguam.com> wrote:

Hafa Adai!

Please post the attached Proposed Creation of Positions:

- *Chief Financial Officer*

- *General Administration Manger*

<https://www.portofguam.com/news/public-notice>

Si Yu'os Ma'ase

Margret Duenas

From: Annette M. Mafnas <ammafnas@portofguam.com>
Sent: Friday, March 3, 2023 12:23 PM
To: Dominic G. Muna; Vivian C. Leon; Margret Duenas; Bernadette Sterne; Jose G. Javellana; Jesse S. Mendiola, Jr.; Christopher Flores; Paul R. Salas; Clarence V. Lagutang; Dennis J. Perez; Annie; Jose B. Guevara, III; Glenn B. Nelson; Patrick E. Alvarez; Junior D. Topasna; Jose A. Ulloa; Raymond B. Santos; Shine A. San Agustin; Alex J. Aflague
Subject: Proposed Creation of Positions
Attachments: Proposed Creation of Position - General Administration Manager 022723.pdf; Proposed Creation of Position - Chief Financial Officer 022723.pdf

Hafa Adai!

Provided for your review and input are Proposed Creation of the following Positions:

- *Chief Financial Officer*
- *General Administration Manger*

For immediate access, kindly click on link: <https://www.portofguam.com/news/public-notice>

Please submit your comments to the Human Resources Office no later than Tuesday, March 14, 2023. *Si Yu'os Ma'ase*

Margret Duenas

To: Annette M. Mafnas
Subject: RE: Proposed Creation of Positions

From: "Annette M. Mafnas" <ammafnas@portofguam.com>
To: "webcare" <webcare@quamwebz.com>
Cc: "Bernadette Sterne" <bsterne@portofguam.com>, "Josette Javelosa" <jjavelosa@portofguam.com>, "Shawn B. Cepeda" <sbcepeda@portofguam.com>, "Jessi J. Santos-Torres" <jjisantos-torres@portofguam.com>, "Mary C. Fejeran" <mcfeyeran@portofguam.com>
Sent: Friday, March 3, 2023 12:34:01 PM
Subject: Proposed Creation of Positions

Hafa Adai!

Please post the attached Proposed Creation of Positions:

- *Chief Financial Officer*
- *General Administration Manger*

<https://www.portofguam.com/news/public-notice>

Si Yu'os Ma'ase




PORT OF GUAM
ATURIDAT I PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201, Piti, Guam 96915
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445
Website: www.portguam.com



Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

February 17, 2023

MEMORANDUM

To: Board of Directors
From: Rory J. Respicio, General Manager 
Subject: Request for Creation of Position – Chief Financial Officer

Hafa Adai! In 1983, the Port Authority of Guam, with the approval of the Civil Service Commission, created the Financial Affairs Controller position. The nature of work for the Financial Affairs Controller position was to administer the financial affairs and administrative programs and operations relative to revenue generation.

Since the establishment of this position, the main emphasis of the position's role was typically as a guardian of the financial health of the Port—overseeing and implementing adequate financial control infrastructure. Since then, the range of responsibilities have expanded, driven by complexity as a result of globalized capital and markets, regulatory and business drivers, growth in information and communication and changing expectations of the role of the Financial Affairs Controller. In addition to being the financial gatekeeper of the Port, the position has evolved from a transactional and cost efficiency focus to an increasingly value-added strategic focus.

The Port is embarking on major capital improvement projects to harden the Port infrastructure to ensure resiliency and reliability for all Port users and community and prepare for the increase of military cargoes as a result of the transfer of military forces from Okinawa to Guam. The priorities of the projects are included in the Port's Readiness Plan which will be reflected in the 2022 Master Plan. In addition to the Ports' Readiness Plan, the Agency will also be undertaking over 175 capital improvement construction projects over the next 5 years, to include the marinas and harbor of refuge.

The Chief Financial Officer will be responsible for directing the financial activities of the Port including functions, such as, budget, accounting, grants administration and risk management. This position will be responsible for managing a division of professional accountants and prepare and implement financial strategy, policies and procedures and financial controls framework in order to ensure the achievement of the Authority-wise financial objectives, controls and financial stability. The position will also work in collaboration with our Owner's Agent Engineer consultants, Planning and Engineering division heads to ensure such projects are properly funded.

Currently, the programs and day-to-day activities of the Finance Division are supervised by a Financial Affairs Controller. The organizational structure of this division falls under the Deputy General Manager for Administration & Finance. Because the position has evolved from a transactional and cost efficiency focus to an increasingly value-added strategic focus, there is a need to establish a Chief Financial Officer within the Port's Classification and Compensation Plan.

We are attaching classification report and analysis justifying the need to create a Chief Financial Officer position in the classified service under the Port Classification and Compensation Plan.

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service in accordance with Title 4, Guam Code Annotated, Section 6303(d). Rule 5.015 of the Personnel Rules and Regulations stipulates that the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of the duties and functions of the Port. The petition shall include:

1. The justification for the new position.
2. The essential details concerning the creation of the position.
3. An analysis of the similarities and differences between the position to be created and the positions listed pursuant to Title 4, GCA, Section 4101.1(d).
4. The position description.
5. The proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA.
6. A fiscal note as that term is described in Title 2, GCA, Section 9101 *et seq.*, and any other pertinent information.

If the Board agrees to establish the Chief Financial Officer position, Rule 5.016 of the Personnel Rules and Regulations would need to be complied with regarding transparency and disclosure. The requirements of this Rule are as follows:

1. The petition for request for creation is posted on the Port's website for 10 days (Saturdays, Sundays and Government of Guam holidays excepted).
2. Notices of the postings are provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.

After the transparency process has been completed, this office shall forward the petition, along with evidence of compliance to the Board. If the Board is satisfied that all requirements have been met, the petition for creation of positions is approved by resolution, which copies is transmitted to the Director of Administration and Guam Legislative Secretary.

Upon meeting the above requirements, the Port can fill the position once 30 days have elapsed from the date of filing with the Legislative Secretary. However, if the Port does not comply with the requirements, such creation of position shall be voided.

To ensure that transparency and disclosure is provided to all parties concerned, the following processes and estimated timeframes are to be followed:

PROCESS	ESTIMATED TIMELINE
Request to be submitted to the Board for their initial review and approval to proceed with the transparency process for the creation of the position, i.e., posting such request on the Port's website.	February 23, 2023
If Board agrees to proceed with the creation, the request will be transmitted to the division heads for review and comments.	February 24, 2023
Posting of proposed creation of position on Port's website.	February 24, 2023 to March 10, 2023
Notification to be provided to the electronic and written media outlets of the Port's request, its availability on the website; and Board meeting date the request may be approved.	February 24, 2023
Request to be re-submitted to the Board for final approval and adoption by resolution.	March 23, 2023
Creation of position documents transmitted to the Director of Administration and Guam Legislative Secretary.	March 24, 2023
Process job announcement for positions and/or effective date of reallocation of positions.	April 25, 2023

In light of the above, we are transmitting our request to create the Chief Financial Officer position in the classified service for your initial review and approval to begin the transparency and disclosure process for the creation.

Your kind approval of the above is appreciated.

Attachments

Cc: Deputy General Manager, Operations & Maintenance
Corporate Services Manager
Acting Personnel Services Administrator

PORT AUTHORITY OF GUAM
Jose D. Leon Guerrero Commercial Port
Piti, Guam

PETITION FOR

CREATION OF POSITION – CHIEF FINANCIAL OFFICER POSITION

REQUEST:

On December 29, 2022, the General Manager requested the Board of Directors to begin the transparency process to create the Chief Financial Officer position. Approval was granted by the Board of Directors and Human Resources Division was asked to review the Port's current organizational structure and establish a Chief Financial Officer position.

AUTHORITY:

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service. Rule 5.015, *Creation of New Positions and Classes of Positions*, of the Personnel Rules and Regulations stipulates:

- A. *Pursuant to Section 6303(d), Title 4, GCA, the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of duties and functions of the Port.*
- B. *The petition shall include:*
 1. *the justification for the new position;*
 2. *the essential details concerning the creation of the position;*
 3. *the analysis of the similarities and differences between the position to be created and the positions listed pursuant to Title 4, GCA, Section 4101.1(d);*
 4. *the position description;*
 5. *the proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA; and*
 6. *a fiscal note as that term is described in Title 2, GCA, Section 9101 et seq., and any other pertinent information.*
- C. *The petition shall be posted on the Port's website for ten (10) days (Saturdays, Sundays and Government of Guam holidays excepted). After the posting, the General Manager shall forward the petition, along with evidence of his compliance with Title 5, GCA, Section 6303.1(a) to the Board, who if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.*
- D. *No new position may be filled until after compliance of the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.*

In line with this Rule 5.016, *Transparency and Disclosure of Creation of New Positions or Classes of Positions*, states:

- A. *Prompt notice of the postings required by Title 4, GCA, Sections 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.*
- B. *The petitions required by Title 4, GCA, Sections 6205 and 6303 are public documents for the purposes of Title 5, GCA, Chapter 10, Article 1 (The Sunshine Law).*
- C. *Any attempted creation of a position or above-step recruitment are not in compliance with provisions of Title 4, GCA, Sections 6205, 6303 and 6303.1(a) are void.*

References of Compliance:

2 GCA §9101, Restrictions Against Unfunded Appropriations, *“All bills that have an effect upon the revenues or the expenditure of any funds of the Government of Guam shall identify a specific funding source for which funds are, in fact, available....”*

4 GCA §4105(a) Departmental Rules *“Rules subject to criteria established by this Chapter governing selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of classified employees shall be adopted by the Board of Directors of the...Jose D. Leon Guerrero Commercial Port...with respect to personnel matters within their respective Branches, agencies, public corporations or departments, and by the Director of Administration as to all other Executive Branch employment.”*

4 GCA §4101.1(d). Responsibilities of the Director of Administration Regarding Personnel Policy of the Government. *“The Director of Administration shall perform the following functions... (d) Maintain, post, and keep current on the Department’s website a list of all classified and unclassified positions in the executive branch, including autonomous agencies and public corporations, showing the job description and pay range assigned to each position....”*

4 GCA §6301. Compensation Policy.

- “(a) Employee compensation shall be based on internal equity and external competitiveness.*
- (b) To the extent practical, compensation will be targeted at the U.S. National Average levels compared to the appropriate labor markets and account taken of the relevant economic factors.*
- (c) Internal equity shall be reviewed annually and external competitiveness at least every three (3) years.*
- (d) Compensation structures and administrative policies should also recognize and reward individual employees commensurate with performance.*
- (e) All aspects of compensation (base salaries, benefits, pay differentials, and other factors) will be considered as a total reward and incentive package for employees and shall be consistent and uniformly administered through the government.*
- (f) A program of ongoing communications and training shall be a critical component of compensation administration.”*

AGENCY BACKGROUND:

Public Law 13-87 created the Port Authority of Guam as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping recreational, commercial/boating and navigation of the Territory of Guam. Its enabling act provides that it must be entirely self-supporting. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff. The Board of Directors is comprised of five (5) non-salaried members appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation, and maintenance of the Port facilities.

JUSTIFICATION: In 1983, the Port Authority of Guam, with the approval of the Civil Service Commission, created the Financial Affairs Controller position. The nature of work for the Financial Affairs Controller position was to administer the financial affairs and administrative programs and operations relative to revenue generation.

Since the establishment of this position, the main emphasis of the position's role was typically as a guardian of the financial health of the Port—overseeing and implementing adequate financial control infrastructure. Since then, the range of responsibilities have expanded, driven by complexity as a result of globalized capital and markets, regulatory and business drivers, growth in information and communication and changing expectations of the role of the Financial Affairs Controller. In addition to being the financial gatekeeper of the Port, the position has evolved from a transactional and cost efficiency focus to an increasingly value-added strategic focus.

The Port is embarking on major capital improvement projects to harden the Port infrastructure to ensure resiliency and reliability for all Port users and community and prepare for the increase of military cargoes as a result of the transfer of military forces from Okinawa to Guam. The priorities of the projects are included in the Port's Readiness Plan which will be reflected in the 2022 Master Plan. In addition to the Ports' Readiness Plan, the Agency will also be undertaking over 175 capital improvement construction projects over the next 5 years, to include the marinas and harbor of refuge.

The Chief Financial Officer will be responsible for directing the financial activities of the Port including functions, such as, budget, accounting, grants administration and risk management. This position will be responsible for managing a division of professional accountants and prepare and implement financial strategy, policies and procedures and financial controls framework in order to ensure the achievement of the Authority-wise financial objectives, controls and financial stability. The position will also work in collaboration with our Owner's Agent Engineer consultants, Planning and Engineering division heads to ensure such projects are properly funded.

Currently, the programs and day-to-day activities of the Finance Division are supervised by a Financial Affairs Controller. The organizational structure of this division falls under the Deputy General Manager for Administration & Finance. Because of the position has evolved from a transactional and cost efficiency focus to an increasingly value-added strategic focus, there is a need to establish a Chief Financial Officer within the Port's Classification and Compensation Plan.

METHODOLOGY:

Human Resources staff reviewed the duties and responsibilities of the proposed Chief Financial Officer position using the job evaluation systematic process for assessing the content, relative size, and importance of the job within our organization using a total of twelve measurement factors. Each factor indicates a point rating and sum of all points representing the total “points” value for the job. Also provided were the organizational and functional charts.

In summary, the job evaluation provides:

1. A structured approach to assessing the relative worth of each job;
2. Measurement factors universally applicable across all sectors of industry, commerce, and government; and
3. Objectivity which is attained to avoid much of the irrational and/or emotional impact of personality conflicts and personal prejudices.

Part two of the methodology completes the evaluation of these positions in using the New Port Compensation structuring which is determined based on compensation comparison of Compensation trends of the Private Sector, State and Local Government on percentage changes in wages, salaries, and benefits, including Market Percentiles, the determination of Certified/Technical and Professional Positions and regression analysis of base salaries.

CLASSIFICATION REVIEW:

The proposed Chief Financial Officer position, under the policy direction of management, is responsible for the administrative and management work in accounting and budgeting for the Authority. The incumbent shall advise management on all matters pertaining to the management and performance of, in accordance with Government Accounting Standards pronouncements, financial operations, control and reporting, including accounts receivables, accounts payable, fixed assets, budget management and control, division allocations and disbursements, budget preparation, financial information systems, credit management, collections, fiscal planning, financial statement preparation, investing and payroll. The position helps promote a customer-management service attitude and oversees the Finance Division of the Authority.

The position requires:

Knowledge of:

- Federal, state and local laws, rules and regulations related to fiscal operations, such as, financial management, control and budgeting.
- Accepted U.S. accounting principles, Government Accounting Standards Board (GASB) pronouncements, theories, concepts and terms.
- Economic principles and practices, global financial markets and banking.
- Fiscal management, administrative procedures and relevant laws and regulatory Authority requirements.
- Financial accounting presentation and related software.
- Principles and practices of effective management and supervision.
- Local government’s personnel policies and local and federal labor contract provisions.

Ability to:

- Analyze complex fiscal problems and to make sound and procedural solution recommendations.
- Implement recommendations independently and through direction of subordinate staff.
- Communicate effectively, both verbally and in writing to audiences of various social, cultural, ethnic, educational and economic backgrounds.
- Coordinate, perform and complete multiple duties and assignments concurrently and in a timely manner.

Skill in:

- performing analysis and making recommendations for the development, implementation and maintenance of financial management and accounting systems.

The position reports to the Deputy General Manager for Administration & Finance.

Guidelines to be used by this position includes established laws, agency/division policies and the principles, methods, practices, and techniques involved in public administration and financial management.

The experience and training of the position requires:

- A. Ten (10) years of progressive experience in senior level finance or accounting in a large public or private entity, five (5) years of supervisory experience in two of the following: accounting, auditing, budgeting or closely related field and graduation from a recognized college or university with a Master's degree in accounting, finance, economics, business or public administration, or a recognized professional qualification; or
- B. Seven (7) years of progressive experience in senior level finance or accounting position in a large public or private entity, nine (9) years of supervisory experience in two (2) of the following: accounting, auditing, budgeting or closely related field and graduation from a recognized college or university with a Bachelor's degree in accounting, finance, economics, business or public administration or a recognized professional qualification.

Preferred qualification but not required: Possession of a valid and current Certified Public Accountant (CPA) certificate.

The job evaluation points process is based on twelve (12) job factors (i.e., education, experience, complexity, scope of work, problem solving, freedom to act/supervision received, work environment, physical demands, impact of discretionary decisions, human relations skills/contacts, authority exercised and supervisory/managerial responsibility). Additionally, a comparative analysis was conducted of the proposed position's counterparts within the organization. The factors in determining the pay grade allocation are attached.

ANALYSIS OF SIMILARITIES AND DIFFERENCES:

A review of the Government of Guam Classification Plan's Occupational Listing revealed that there are positions that are closely associated with the proposed Chief Financial Officer position, however, those positions are subjected to the sole use of the line departments or autonomous agencies and cannot be used by the Port Authority of Guam.

As a result, it is recommended that Chief Financial Officer position be established under the Port's Classification and Compensation Plan.

FISCAL NOTE:

The full-time equivalency (FTE) and funding has been identified and approved by the Board.

RECOMMENDATION:

Our review has determined the following pay grade allocation for the Chief Financial Officer:

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
1377	PP-9B	\$141,101	PP-10B	\$146,830

Based on the above and the attached analysis and documents, it is recommended that the Board of Directors approve the creation of the Chief Financial Officer position and the resultant pay grade allocation at the pay grade indicated above in the classified service.


SHAWN B. CEPEDA
Acting Personnel Services Administrator

CHIEF FINANCIAL OFFICER

NATURE OF WORK:

Under the policy direction of management, the Chief Financial Officer is responsible for the administrative and management work in accounting and budgeting for the Authority. The incumbent shall advise management on all matters pertaining to the management and performance of, in accordance with Government Accounting Standards pronouncements, financial operations, control and reporting, including accounts receivables, accounts payable, fixed assets, budget management and control, division allocations and disbursements, budget preparation, financial information systems, credit management, collections, fiscal planning, financial statement preparation, investing and payroll. The position helps promote a customer-management service attitude and oversees the Finance Division of the Authority.

ILLUSTRATIVE EXAMPLES OF DUTIES: (These examples do not include the duties and responsibilities which may be assigned; nor do the examples cover all the duties which may be performed.)

Creates, coordinates and evaluates the financial programs and supporting information systems of the Port to include budgeting and safeguarding of assets for the Authority funds.

Oversees the approval and processing of revenue, expenditure and fund balance documents, Authority's budget, salary updates, general ledger, account maintenance and data entry for the Authority's fund and all aspects of accounting, including cash flow planning reporting organizational and Port budgeting and forecasting.

Ensures the timely and accurate preparation of financial statements, financial reports, special analysis and information reports.

Approve and coordinate changes and improvements in automated financial and management information systems used by the Port.

Analyze cash flow, cost control and expenses and analyze financial statements to identify and correct weak areas and provide recommendations and solutions.

Develop and implement finance, accounting, billing and auditing procedures and ensure compliance with local, state and federal reporting requirements.

Ensures compliance with federal financial standard as required by Single Audit (OMB Circular A-133) and record systems are maintained in accordance with generally accepted accounting principles.

Interact with senior accounting staff to provide consultative support to planning initiatives through financial and management information analysis, reports and recommendations.

Ensure financial alignment with the Authority's mission, goals and objectives.

Establish and monitor the Authority's investment strategies and policies in accordance with objectives set by the General Manager and Board of Directors.

Develop and direct the implementation of strategic business and/or operational plans, projects, programs and systems.

Establish and implement short and long range Authority's finance goals, objectives, policies and operating procedures.

Manage a complex financial system consisting of multiple/varied funds (general fund, special accounts mandated by Public Utilities Commission, federal and local grants, capital projects, etc.)

Establish standard financial policies, procedures and processes for use by fiscal staff and division heads; supervise and direct data collection for the preparation and maintenance of financial reports.

Oversee the preparation of the annual budget, grant budgets and related accounting and budget work; monitor expenditures in accordance with budget allocations; review and present to the General Manager for approval budget transfer requests.

Manage the establishment of fiscal goals, audits of financial documents and the preparation and maintenance of fiscal reports.

Meet with auditors to respond to questions and determine any adjustments as a result of findings.

Responsible for the development and distribution of applicable budget and payroll information to division heads.

Appear before the Board of Directors to present information related to the development and execution of the annual budget.

Ensure consistent interpretations of laws, rules, policies and procedures.

Evaluates budget and fiscal system performance and make ongoing adjustments as approved by the General Manager.

Establish and supervise comprehensive fiscal processes, procedures and controls in accordance with federal, state and local regulatory requirements and Generally Accepted Accounting Practices (GAAP).

Performs related work as required.

MINIMUM KNOWLEDGE, ABILITIES AND SKILLS:

Knowledge of:

- Federal, state and local laws, rules and regulations related to fiscal operations, such as, financial management, control and budgeting.
- Accepted U.S. accounting principles, Government Accounting Standards Board (GASB) pronouncements, theories, concepts and terms.
- Economic principles and practices, global financial markets and banking.
- Fiscal management, administrative procedures and relevant laws and regulatory Authority requirements.
- Financial accounting presentation and related software.
- Principles and practices of effective management and supervision.
- Local government's personnel policies and local and federal labor contract provisions.

Ability to:

- Analyze complex fiscal problems and to make sound and procedural solution recommendations.
- Implement recommendations independently and through direction of subordinate staff.
- Communicate effectively, both verbally and in writing to audiences of various social, cultural, ethnic, educational and economic backgrounds.
- Coordinate, perform and complete multiple duties and assignments concurrently and in a timely manner.

Skill in:

- performing analysis and making recommendations for the development, implementation and maintenance of financial management and accounting systems.

MINIMUM EXPERIENCE AND TRAINING:

- A. Ten (10) years of progressive experience in senior level finance or accounting in a large public or private entity, five (5) years of supervisory experience in two of the following: accounting, auditing, budgeting or closely related field and graduation from a recognized college or university with a Master's degree in accounting, finance, economics, business or public administration, or a recognized professional qualification; or
- B. Seven (7) years of progressive experience in senior level finance or accounting position in a large public or private entity, nine (9) years of supervisory experience in two (2) of the following: accounting, auditing, budgeting or closely related field and graduation from a recognized college or university with a Bachelor's degree in accounting, finance, economics, business or public administration or a recognized professional qualification.

Preferred qualification but not required: Possession of a valid and current Certified Public Accountant (CPA) certificate.

Fiscal Year 2023
FUNCTIONAL STATEMENT FOR
FINANCE DIVISION

INTRODUCTION

The Jose D. Leon Guerrero Commercial Port is established by Public Law 13-87, as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping, recreational, commercial/boating and navigation of the Territory of Guam.

The enabling act provides that the Port must be entirely self-supporting, i.e., it must raise capital funds for construction projects by borrowing money on its own credit. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff.

BOARD OF DIRECTORS

The Board of Directors is composed of five (5) non-salaried members, appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation, and maintenance of the Port facilities.

GENERAL MANAGER

The General Manager, under the general direction of the Board of Directors, serves as Chief Executive Officer for the Authority. The General Manager has charge and control of the planning, organization, staffing, direction and coordination of the Authority's operations and business affairs. The General Manager is hired and employed at the pleasure of the Board.

DEPUTY GENERAL MANAGER, ADMINISTRATION AND FINANCE

The Deputy General Manager, Administration & Finance is under the general supervision of the General Manager. In the absence of the General Manager, may serve as Acting General Manager. The position is hired and employed under the terms and conditions fixed by and at the pleasure of the Board of Directors. The Deputy General Manager for Administration & Finance is responsible for the overall operations and administration of Marketing/Public Relations Division and Corporate Services Department which includes General Administration, Commercial, Human Resources, Information Technology, Procurement & Supply and Finance divisions.

FINANCE DIVISION

The Finance Division is responsible for the development and maintenance of the Authority's payroll, accounting, and billing functions. Also responsible for the continual review of accounting controls to safeguard all assets and to ensure fulfillment of commitments to management; and for coordinating the annual audit of the authority with an independent public accounting firm retained by the Board of Directors.

Expense Accounting Section: Responsible for accuracy and timeliness of all accounts payables, establishing and maintaining fixed asset property inventory records and validating, auditing and payment of approximately 400 daily/weekly time cards and the issuance of bi-weekly paychecks to include payroll deductions and fringe benefit allotments.

Revenue Accounting Section: Responsible for the invoicing of billable services and use of facilities with the Port tariff provisions, maintenance the general ledger and collection of revenues.

JOB EVALUATION
For
CHIEF FINANCIAL OFFICER

Factors	Points	Comments
Education	J 152	Tertiary/Professional: Requires a post high school tertiary qualification at a university, polytechnic or equivalent educational body. J152: Master/honor degree including post graduate courses of study, e.g., MBA or advanced professional certification, e.g., PE (Professional Engineer), CPA (Certified Public Accountant), PS (Professional Surveyor) etc.
Experience	K 200	Executive Direction: Extensive experience in managing, leading and directing a major function/department or division of a large organization.
Complexity	E 60 352 211.2	Complex: A high level of innovation and adaptability is required to react to rapidly changing circumstances. Significant demands made to control, harmonize and motivate all or major sections of the organization. A high level of unpredictability is encountered and this necessitates innovative and conceptual thinking in responding to the demands of the business both locally and perhaps internationally.
Scope of Work	E 25 352 88.0	Corporate: Functional responsibility at a corporate level involving the central coordination of a specialist or staff unction in a large organization or a number of specialist or staff functions in a small or medium size organization. The position requires the integration and coordination of all associated activities and has influence over all relevant policy and procedures.
Problem Solving	E 132	Complex: Problems contain unexpected and unusual elements not previously encountered. Extensive research may be required. Corporate policies and available expertise will not necessarily provide a complete answer to the problem.
Freedom to Act/Supervision Received	E 132	General Guidance: Minimal guidance is provided. Expected to plan activities of own work program within the overall objectives of the operations—division. Expected to raise only contentious or major problem issues for the Board or General Manager's consideration.
Work Environment	A1 12	Work is performed indoors in office conditions with almost no unpleasant environmental influences.

Factors	Points	Comments
Physical Demands	A 1 22	Work is usually performed sitting, with the opportunity to stand and walk freely.
Impact of Discretionary Decisions	D2 100	Direct impact of a single decision causes a major impact which can be expressed in dollar terms of tens of thousands of dollars.
Human Relations Skills/Contacts	F4 115	Top Level: Coordination and direction of senior management from all areas of the organization.
Authority Exercised	G3 175	Approves routine expenditure within budgetary limits and is accountable for an O&M budget \$2m - \$20m
Supervisory & Managerial Responsibility	C1 38	Has full supervisory/managerial responsibility for 11-29 staff.
TOTAL POINTS	1377	

PAY GRADE ALLOCATION

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
1377	PP-9B	\$141,101	PP-10B	\$146,830

PORT AUTHORITY OF GUAM



POSITION DESCRIPTION

1.0 IDENTIFICATION

POSITION TITLE	Chief Financial Officer
POSITION NUMBER	
NAME OF EMPLOYEE	
NAME OF DIRECT SUPERVISOR	
TITLE OF DIRECT SUPERVISOR	
JOB LOCATION (Department / Agency)	
DIVISION	
DEPARTMENT	
SECTION / UNIT	
FLSA	
CLASSIFICATION	<input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified <input type="checkbox"/> Vacant
JOB EVALUATION POINTS	
PAY GRADE	
POSITION DESCRIPTION (Reviewed)	

2.0 DESCRIPTION OF DUTIES

The Chief Financial Officer is highly responsible for the financial management work in the organization, Planning development and coordination of administrative supervision of financial resources. This position is responsible for the development and maintenance of the agency's accounts, accounting procedures, billing procedures and records, collection of revenues, all regulatory matters involving the Port Authority of Guam, coordinating all budget activities, conducting all debt, insurance and management; oversees all risk management activities, analysis of cost and the preparation of financial reports in accordance with accepted accounting principles and practices.

2.1 ESSENTIAL FUNCTIONS

Organize and list duties and/or responsibilities that must be performed using one of the formats below:

- a) Daily work assignments, beginning with the first duty and ending with the last duty of the day
- b) Percentage of time. Show % for each duty and/or responsibility (Note: total % should equal 100%)
- c) Order of importance, beginning with the most important

Mark with an [X] one format only: a) b) c)

Duty No or % of Time	Duties and/or Responsibilities
	Oversee all aspects of accounting, including cash flow planning, reporting, organizational and division budgeting and forecasting.
	Provide substantial input into the Port's strategic plans and business direction
	Develops the financial program policies and procedures
	Ensure the timely and accurate preparation of financial statements, financial reports, special analysis and information reports that are used by management, board of directors, the Legislature of the government of Guam and bond rating agencies.
	Create, coordinate and evaluate the financial programs and supporting information systems of the Port Authority of Guam to include budgeting and safeguarding of assets for the agency funds.
	Analyze financial statements to identify and correct weak areas and provide recommendations and solutions.
	Develop and implement finance, accounting, billing and auditing procedures and ensure compliance with local and federal reporting requirements.
	Ensure compliance with federal financial standards as required by Single Audit (OMB Circular A-i 33).
	Ensure records systems are maintained in accordance with generally accepted accounting principles.
	Interact with senior accounting staff to provide consultative support to planning initiatives through financial and management information analysis, reports and recommendations.
	Manage the establishment of fiscal goals, audits of financial documents and the preparation and maintenance of fiscal reports.
	Meet with the auditors to respond to questions and determine any adjustments as a result of findings.

2.2 NON-ESSENTIAL OR ADDITIONAL FUNCTIONS

List duties and responsibilities not listed above that may be performed, as assigned:

Duty No or % of Time	Duties and/or Responsibilities

3.0 CONTACTS

Departments, agencies and/or individuals you deal with during the course of your daily activities:
Operations Manager, Transportation & Stevedore Superintendent, Shipping Agencies, Trucking Companies.

3.1 WITHIN DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
X	15 - 50% of total working hours
	Over 50% of total working hours

3.2 OUTSIDE DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
X	15 - 50% of total working hours
	Over 50% of total working hours

4.0 SUPERVISION RECEIVED

How closely is the employee / job holder's work reviewed by their direct Supervisor. Mark one correct response below with an [X]

	Detailed and specific instructions / procedures received or followed for each assignment
	General Supervision - Routine duties are performed with minimal supervision. Standard practices or procedures allow employee to function alone at routine work. Supervisor makes occasional check of work while in progress. Work is reviewed upon completion.
	Direction - Receives guidance about general objectives in most of the tasks and projects assigned; determines methods, work sequence, scheduling and how to achieve objectives of assignments; operates within policy guidelines. (Generally applicable to skilled professionals, managers and supervisors.
X	General Direction - Receives very general guidance about overall objectives; work is usually quite independent of others; operates within division or department policy guidelines, using independent judgment in achieving assigned objectives. (Generally applicable to managers / administrators in large and complex organizations and to department / agency heads and their first assistants.)

5.0 SUPERVISION EXERCISED

The employee / job holder supervises other employees. List the number of employees supervised, their position titles and a brief description of their responsibilities.

If the employee has no supervisory responsibility mark [X] in this box

No Supervised	Position Title	Description of Responsibilities
1	General Accounting Supervisor - Revenues	Manage the Accounts Receivable and Tariff/Billing sections
1	Accountant III	Manage the Accounts Payable and Payroll sections
1	Accountant II	Manage and maintain Fixed Assets accounts, reviews General Journal entries, assists in AP and Payroll tasks.
1	Accountant II	Responsible for monthly journal entries, analytical reports, allocations, month-end and year-end tasks.
1	Accountant II	Responsible for monthly journal entries, capital improvement projects and other analytical reports
1	Accountant II	Responsible for managing the recording of monthly Accounts payable transactions, disbursements of vendors and employees' payroll deductions.

6.0 EQUIPMENT

List the equipment (pickup truck, welder, crane, etc.), office machines (word processor, calculator, copying machine, etc.), or any other machines, tools or devices that are used on a regular and continuing basis. Show what percentage of the regular workday is spent using each.

%	Tools / Equipment
95%	Computer
2%	Calculator
3%	Copier Machine

7.0 JOB REQUIREMENTS

Mark [X] in this box if the job holder is unable to complete this section. The direct Supervisor will then complete this section for the job holder.

7.1 MINIMUM QUALIFICATION REQUIREMENTS

Identify below the minimum experience and training a qualified applicant must have before employment.

7.1.1 WORK EXPERIENCE

List the general, specialized and/or supervisory / management work experience needed and how much (in months and/or years). If none, mark an [X] in box a) "No work experience required."

a) No work experience required

b) General Years Months

Experience in rate presentation to PUC or equal body for approval	5	
Experience in professional accounting in wide field or business activity similar or greater, in scope and size to the Authority.	10	
Experience in managing tax exempt bond	3	

c) Specialized Years Months

d) Supervisor / Management Years Months

Progressive experience in senior level finance or accounting in a large public or private entity	10	
Supervisory experience in two (2) of the following: accounting, auditing, budgeting or closely related field	10	

If no work experience is required, list the knowledge, abilities and skills a qualified applicant needs before employment to perform the essential job functions.

Years Months

7.1.2 FORMAL EDUCATION OR TRAINING

Mark an [X] in the box that indicates the most applicable education level required :

Below High School. Show number of years :

High School Graduation / GED

Vocational / Technical School. Detail below the specific training that is required by this position :

Some College. Show number of Semester Hours, or

Quarter Hours

Detail below specific courses required by the essential functions of this position:

College Degree. Show major area of study required:

Associates:	
Bachelors:	Accounting
Masters:	Business, Finance, Economics, Accounting or Public Administration
Beyond Masters:	

7.1.3 CRITICAL SKILLS / EXPERTISE

List specialized skills or specialization needed to perform essential functions:

7.1.4 LICENCE / REGISTRATION OR CERTIFICATION

List possession of required license, professional registration/certification needed to perform essential functions:

Certified Public Accountant (CPA) – Preferred but not required
Masters of Business Administration (MBA) – Preferred but not required
Certified Government Financial Manager (CGFM) – Preferred but not required
Other similar national financial designation – Preferred but not required

7.2 MENTAL / VISUAL / PHYSICAL & ENVIRONMENTAL JOB REQUIREMENTS

7.2.1 PHYSICAL REQUIREMENTS

Mark with an [X] below the most appropriate physical requirement(s) for the job.

	Sitting	The job requires the employee to sit in a comfortable position most of the time. The employee can move about.
	Sitting	Employee is required to sit for extended periods or time without being able to leave the work area.
X	Sitting/Standing/Walking	The employee is required to sit, stand, walk most of the time.
	Climbing	Employee is required to climb ladders or scaffolding or to climb and work in overhead areas.
	Lifting	Employee is required to raise or lower objects from one level to another regularly.
	Pulling and/or Pushing	The job requires exerting force up to _____ pounds on a regular basis to move the object to or away from the employee.
	Carrying	The employee is required, on a regular basis, to carry objects in his or her arms or on the shoulder(s).
	Reaching	The employee is regularly required to use the hands and arms to reach for objects.

	Stooping and Crouching	The employee is regularly required to bend forward by bending at the waist or by bending legs and spine.
	Crawling	Employee is required to work in a confined space and/or to crawl and move about on his or her hands and knees.
X	Speaking	The job requires expressing ideas by the spoken word.
X	Listening	The job requires the perception of speech or the nature of sounds in the air.
	Other	See description below

Describe any other physical job requirements below:

7.2.2 MENTAL / VISUAL REQUIREMENTS

Mark with an [X] below the most appropriate mental / visual requirement for the job.

- General Intelligence (typical requirement for machine operators, office staff, etc.)
- Motor Coordination Skills (typical for automotive mechanic, painter, etc.)
- Coordination of Eyes, Hands, and Feet (e.g. tractor trailer driver, fire fighter, line electrician, etc.)
- Verbal Intelligence (typical for counsellors, customer service representatives, etc.)
- Numerical Intelligence (typical for an accounting clerk, cargo checker, etc.)
- Other (outline below)

Analytical skills, presentation skills, facilitation skills, leadership skills, management skills and other interpersonal skills

7.2.3 WORK ENVIRONMENT & WEATHER EXPOSURE

Selecting one response only show what percent of a typical workday is spent:

%

- 100 Indoors in a comfortable temperature-controlled environment (for instance, in an office)
- Indoors in a non-temperature-controlled environment (e.g. storerooms and warehouses, etc.)
- Outdoors exposed to changing weather conditions (for instance, rain, sun, wind, etc.)
- Outdoors but in an enclosed vehicle protected from extreme weather conditions.

7.2.4 OTHER PHYSICAL WORKING CONDITIONS

Mark an [X] in the box if none of the following is applicable

Show what percent of a typical workday this position is exposed to:

%

- Air contamination (i.e., dust, fumes, smoke, toxic conditions, disagreeable odours).
- Vibration (i.e., operating jackhammer, impact wrench).
- Noise (Exposure at a level enough to cause hearing loss or fatigue).
- An improperly illuminated or awkward and confining work space.
- Working above ground level where the chance of falling exists (e.g. ladders, bucket trucks etc)
- Lifting or carrying items or objects. Describe item/object and weight:

Heat. Describe source and degree of high temperature.

Cold. Describe source and degree of cold temperature:

Other hazards. Describe:

7.2.5 IRREGULAR / UNUSUAL JOB REQUIREMENTS

Describe the working conditions that are irregular or unusual for the job and show frequency of exposure.

Mark an [X] in the box if not applicable

Condition	Frequency of Exposure

7.3 WORK SCHEDULE / HOURS

Work Schedule/Hours – Mark an [X] the most appropriate work schedule/hours for the job.

- Regular - Standard Eight (8) hours daily, Monday - Friday
- Irregular - Shift work - A 24-hour work operation.
- Regular / Irregular - Overtime hours with overtime pay entitlement

State purpose and average total hours required per pay period:

- Regular / Irregular - Overtime hours without overtime pay entitlement

State purpose and average total hours required per pay period:

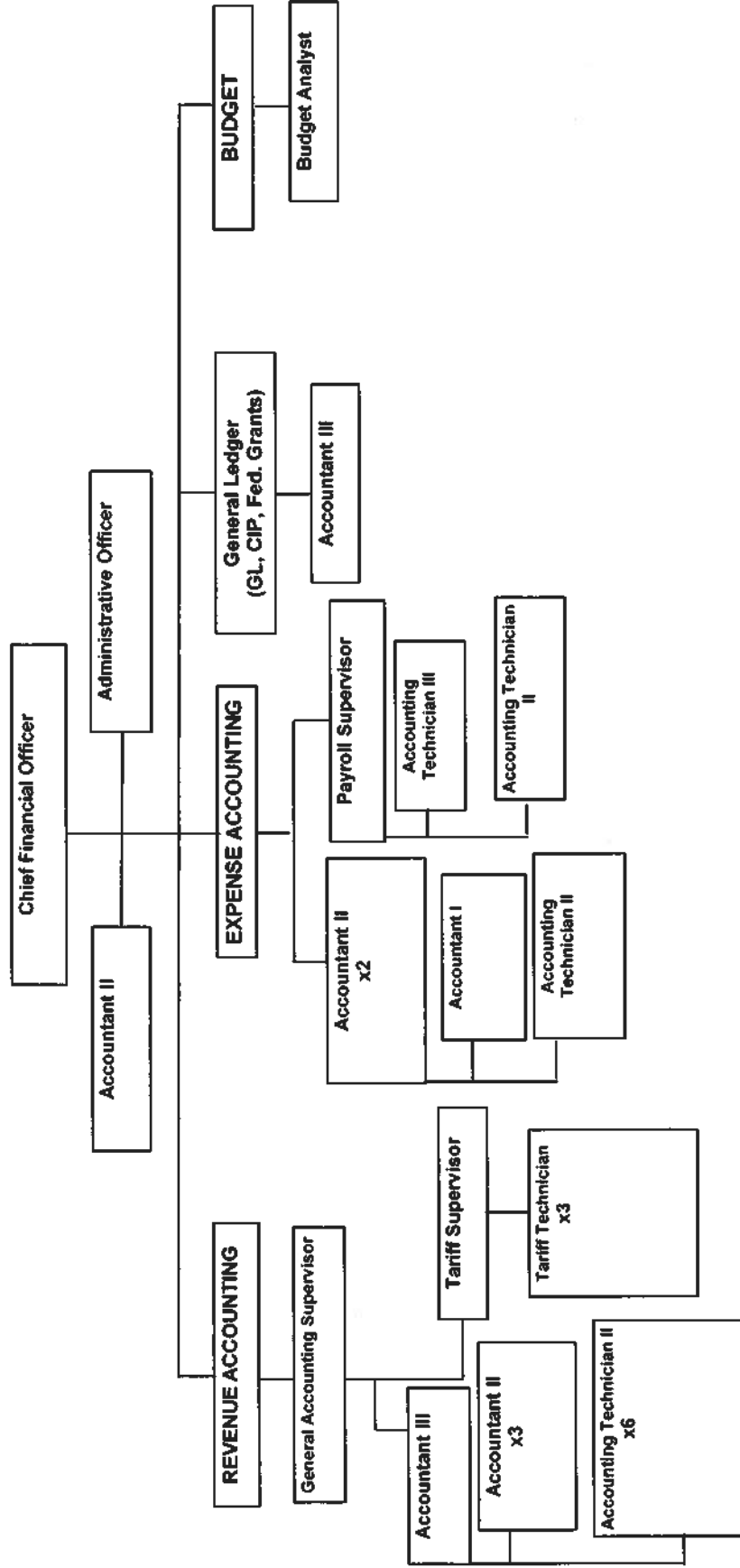
The information given on this position is complete and correct.

Signature of Employee

Date

PORT AUTHORITY OF GUAM
 Jose D. Leon Guerrero Commemorial Port
 FISCAL YEAR 2023 ORGANIZATIONAL CHART

FINANCE DIVISION



FISCAL NOTE

1. A. Fiscal effect: Identify the fiscal effect on the agency appropriations compared to funding levels and appropriations anticipated under current Budget.

	FY 2023				FY 2024			
	General	Crane Surcharge	FMF	Marinas	General	Crane Surcharge	FMF	Marinas
Revenues								
Expenditures	\$90,880				\$218,108			
Budget								

2. A. Fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact*

The Port is in the process of petitioning the creation of a Chief Financial Officer & General Administration Manager under the Port's Classification and Compensation Plan. The salaries and benefits for the positions has also been identified. The following are different levels recommended for the Chief Financial Officer & General Administration Manager positions and their corresponding salary ranges.

Chief Financial Officer

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
1377	PP-9B	\$141,101	PP-10B	\$146,830

General Administration Manager

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
913	MM-3A	\$77,007	MM-4A	\$80,134

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The General Manager will be presenting to the Board on February 23, 2023, (2) two creation of positions – Chief Financial Officer & General Administration Manager. The funding for the two positions will come from the Vacancy Pool.

3. Fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues:

B. Expenditures:

If the Port decides to hire based on the minimum salary for both positions starting May 7, 2023 the total pro-rated amount for FY 2023 is \$90,880. The hiring of the two new positions will increase the salary for FY 2024 to \$218,108.

C. Budget: Explain the appropriations amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

The appropriations for the two new position creations will come from the Vacancy Pool budget based on the YTD for FY 2023. The expenditures for FY 2023 and FY 2024 are indicated in section IA.

Name: Jose B. Guevara III, Financial Affairs Controller
Division: Finance Division
Telephone: (671) 477-5931 ext. 323
Date Prepared: 2/16/2023



PORT OF GUAM
ATURIDAT I PUETTON GUAHAN
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Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

February 17, 2023

MEMORANDUM

To: Board of Directors

From: Rory J. Respicio, General Manager *Rory J. Respicio*

Subject: Request for Creation of Position – General Administration Manager

Hafa Adai! When the General Administration Division was established in 2006, its functional responsibility is to provide routine clerical support, such as, mail distribution, printing and copying, courier services and telephone receptionist to all divisions within the Authority. In addition to these duties, the division was subsequently tasked for the development and administering a comprehensive records management program, to include storage and preservation of a variety of valuable and historic records, documents, and disposal of inactive and obsolete records under their custody, as well as, maintenance and repair of telecommunication machinery systems. The division also provides secretarial duties, functions and responsibilities in the absence of the General Manager's staff and other office support services to Port divisions.

Currently, the programs and day-to-day activities of the General Administration Division are supervised by an Administrative Services Officer. The organizational structure of this division falls under the Deputy General Manager for Administration & Finance. Because of the duties of the position has evolved from a routine clerical service to a more complex and sensitive administrative support, there is a need to establish a General Administration Manager within the Port's Classification and Compensation Plan.

We are attaching classification report and analysis justifying the need to create a General Administration Manager position in the classified service under the Port Classification and Compensation Plan.

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service in accordance with Title 4, Guam Code Annotated, Section 6303(d). Rule 5.015 of the Personnel Rules and Regulations stipulates that the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of the duties and functions of the Port. The petition shall include:

1. The justification for the new position.
2. The essential details concerning the creation of the position.
3. An analysis of the similarities and differences between the position to be created and the positions listed pursuant to Title 4, GCA, Section 4101.1(d).
4. The position description.
5. The proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA.
6. A fiscal note as that term is described in Title 2, GCA, Section 9101 *et seq.*, and any other pertinent information.

If the Board agrees to establish the General Administration Manager position, Rule 5.016 of the Personnel Rules and Regulations would need to be complied with regarding transparency and disclosure. The requirements of this Rule are as follows:

1. The petition for request for creation is posted on the Port’s website for 10 days (Saturdays, Sundays and Government of Guam holidays excepted).
2. Notices of the postings are provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.

After the transparency process has been completed, this office shall forward the petition, along with evidence of compliance to the Board. If the Board is satisfied that all requirements have been met, the petition for creation of positions is approved by resolution, which copies is transmitted to the Director of Administration and Guam Legislative Secretary.

Upon meeting the above requirements, the Port can fill the position once 30 days have elapsed from the date of filing with the Legislative Secretary. However, if the Port does not comply with the requirements, such creation of position shall be voided.

To ensure that transparency and disclosure is provided to all parties concerned, the following processes and estimated timeframes are to be followed:

PROCESS	ESTIMATED TIMELINE
Request to be submitted to the Board for their initial review and approval to proceed with the transparency process for the creation of the position, i.e., posting such request on the Port’s website.	February 23, 2023
If Board agrees to proceed with the creation, the request will be transmitted to the division heads for review and comments.	February 24, 2023
Posting of proposed creation of position on Port’s website.	February 24, 2023 to March 10, 2023
Notification to be provided to the electronic and written media outlets of the Port’s request, its availability on the website; and Board meeting date the request may be approved.	February 24, 2023
Request to be re-submitted to the Board for final approval and adoption by resolution.	March 23, 2023
Creation of position documents transmitted to the Director of Administration and Guam Legislative Secretary	March 24, 2023
Process job announcement for positions and/or effective date of reallocation of positions.	April 25, 2023

Subject: Request for Creation of Position – General Administration Manager
Page 3

In light of the above, we are transmitting our request to create the General Administration Manager position in the classified service for your initial review and ask you kind approval to begin the transparency and disclosure process or the creation.

Your kind approval of the above is appreciated.

Attachments

Cc: Deputy General Manager, Operations & Maintenance
Corporate Services Manager
Acting Personnel Services Administrator

PORT AUTHORITY OF GUAM
Jose D. Leon Guerrero Commercial Port
Piti, Guam

PETITION FOR

CREATION OF POSITION – GENERAL ADMINISTRATION MANAGER POSITION

REQUEST:

On December 29, 2022, the General Manager requested the Board of Directors to begin the transparency process to create the General Administration Manager position. Approval was granted by the Board of Directors and Human Resources Division was asked to review the Port's current organizational structure and establish a Chief Financial Officer position.

AUTHORITY:

Public Law 30-43 adopted the Port's Personnel Rules and Regulations which authorizes the Board of Directors to create positions in the classified service. Rule 5.015, *Creation of New Positions and Classes of Positions*, of the Personnel Rules and Regulations stipulates:

- A. *Pursuant to Section 6303(d), Title 4, GCA, the General Manager shall petition the Board to create new positions or classes of positions when necessary for the efficient performance of duties and functions of the Port.*
- B. *The petition shall include:*
 1. *the justification for the new position.*
 2. *the essential details concerning the creation of the position.*
 3. *the analysis of the similarities and differences between the position to be created and the positions listed pursuant to Title 4, GCA, Section 4101.1(d).*
 4. *the position description.*
 5. *the proposed pay range and demonstration of compliance with Section 6301 of Title 4, GCA; and*
 6. *a fiscal note as that term is described in Title 2, GCA, Section 9101 et seq., and any other pertinent information.*
- C. *The petition shall be posted on the Port's website for ten (10) days (Saturdays, Sundays and Government of Guam holidays excepted). After the posting, the General Manager shall forward the petition, along with evidence of his compliance with Title 5, GCA, Section 6303.1(a) to the Board, who if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director of Administration and the Legislative Secretary.*
- D. *No new position may be filled until after compliance of the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.*

In line with this Rule 5.016, *Transparency and Disclosure of Creation of New Positions or Classes of Positions*, states:

- A. *Prompt notice of the postings required by Title 4, GCA, Sections 6205 and 6303 shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam.*
- B. *The petitions required by Title 4, GCA, Sections 6205 and 6303 are public documents for the purposes of Title 5, GCA, Chapter 10, Article 1 (The Sunshine Law).*
- C. *Any attempted creation of a position or above-step recruitment are not in compliance with provisions of Title 4, GCA, Sections 6205, 6303 and 6303.1(a) are void.*

References of Compliance:

2 GCA §9101, Restrictions Against Unfunded Appropriations, *“All bills that have an effect upon the revenues or the expenditure of any funds of the Government of Guam shall identify a specific funding source for which funds are, in fact, available....”*

4 GCA §4105(a) Departmental Rules *“Rules subject to criteria established by this Chapter governing selection, promotion, performance, evaluation, demotion, suspension and other disciplinary action of classified employees shall be adopted by the Board of Directors of the...Jose D. Leon Guerrero Commercial Port...with respect to personnel matters within their respective Branches, agencies, public corporations or departments, and by the Director of Administration as to all other Executive Branch employment.”*

4 GCA §4101.1(d). Responsibilities of the Director of Administration Regarding Personnel Policy of the Government. *“The Director of Administration shall perform the following functions... (d) Maintain, post, and keep current on the Department’s website a list of all classified and unclassified positions in the executive branch, including autonomous agencies and public corporations, showing the job description and pay range assigned to each position....”*

4 GCA §6301. Compensation Policy.

- “(a) Employee compensation shall be based on internal equity and external competitiveness.*
- (b) To the extent practical, compensation will be targeted at the U.S. National Average levels compared to the appropriate labor markets and account taken of the relevant economic factors.*
- (c) Internal equity shall be reviewed annually and external competitiveness at least every three (3) years.*
- (d) Compensation structures and administrative policies should also recognize and reward individual employees commensurate with performance.*
- (e) All aspects of compensation (base salaries, benefits, pay differentials, and other factors) will be considered as a total reward and incentive package for employees and shall be consistent and uniformly administered through the government.*
- (f) A program of ongoing communications and training shall be a critical component of compensation administration.”*

AGENCY BACKGROUND:

Public Law 13-87 created the Port Authority of Guam as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping recreational, commercial/boating and navigation of the Territory of Guam. Its enabling act provides that it must be entirely self-supporting. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff. The Board of Directors is comprised of five (5) non-salaried members appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation, and maintenance of the Port facilities.

JUSTIFICATION:

When the General Administration Division was established in 2006, its functional responsibility is to provide routine clerical support, such as, mail distribution, printing and copying, courier services and telephone receptionist to all divisions within the Authority. In addition to these duties, the division was subsequently tasked for the development and administering a comprehensive records management program, to include storage and preservation of a variety of valuable and historic records, documents and disposal of inactive and obsolete records under their custody, as well as, maintenance and repair of telecommunication machinery systems. The division also provides secretarial duties, functions and responsibilities in the absence of the General Manager's staff and other office support services to Port divisions.

Currently, the programs and day-to-day activities of the General Administration Division are supervised by an Administrative Services Officer. The organizational structure of this division falls under the Deputy General Manager for Administration & Finance. Because of the duties of the position has evolved from a routine clerical service to a more complex and sensitive administrative support, there is a need to establish a General Administration Manager within the Port's Classification and Compensation Plan.

METHODOLOGY:

Human Resources staff reviewed the duties and responsibilities of the proposed General Administration Manager position using the job evaluation systematic process for assessing the content, relative size, and importance of the job within our organization using a total of twelve measurement factors. Each factor indicates a point rating and sum of all points representing the total "points" value for the job. Also provided were the organizational and functional charts.

In summary, the job evaluation provides:

1. A structured approach to assessing the relative worth of each job.
2. Measurement factors universally applicable across all sectors of industry, commerce, and government; and
3. Objectivity which is attained to avoid much of the irrational and/or emotional impact of personality conflicts and personal prejudices.

Part two of the methodology completes the evaluation of these positions in using the New Port Compensation structuring which is determined based on compensation comparison of Compensation trends of the Private Sector, State and Local Government on percentage changes in wages, salaries, and benefits, including Market Percentiles, the determination of Certified/Technical and Professional Positions and regression analysis of base salaries.

CLASSIFICATION REVIEW:

The proposed General Administration Manager position, under the general direction of management, plans, organizes, manages and participates in the work of staff engaged in providing administrative and clerical support services to the divisions of the Port. The position administers a comprehensive records management program, to include storage and preservation of a variety of valuable and historic records, documents, and disposal of inactive and obsolete records under their custody, as well as, maintenance and repair of telecommunication machinery systems.

The position requires:

Knowledge of:

- Port organization, function, operations, laws, rules, policies and procedures.
- Office administrative and management practices and techniques.
- Principles and practices of sound business communication; correct English usage, including spelling, grammar and punctuation.
- Principles, practices, methods and techniques of document and records management.
- Local and federal laws applicable to retention requirements for a wide variety of documents.
- Principles and practice so effective supervision.
- Safety principles and practices.

Ability to:

- Plan, schedule, coordinate and supervise the activities of staff.
- Organize work, set priorities and provide advice and support to meet the Authority's needs.
- Utilize and maintain electronic document management systems and technologies to efficiently store and retrieve documents required for Port operations.
- Classify, index, process, file, and retrieve a wide variety of materials under a comprehensive government records management system.
- Analyze records management problems, reaching sound conclusions and recommending improved procedures, equipment and facilities.
- Appraise the accuracy the value of and legal requirements regarding a wide variety of records and documents.
- Exercise sound, independent judgment within established guidelines.
- Maintain information and generate reports utilizing computer equipment.
- Prepare clear and concise reports and other written correspondence.
- Establish and maintain effective working relationships with others encountered in the course of work.

Skill in:

- Operation of a personal computer with standard business software, including word processing, spreadsheet and data base applications and other standard office equipment

The position reports to the Deputy General Manager for Administration & Finance.

Guidelines to be used by this position includes established laws, agency/division policies and the principles, methods, practices, and techniques involved in public administration and financial management.

The experience and training of the position requires eight (8) years of progressively responsible administrative experience of which three (3) years of which were in a supervisory level and graduation from a recognized college or university with a Bachelor's degree in public or business administration, social or behavior sciences or related field; or any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

The job evaluation points process is based on twelve (12) job factors (i.e., education, experience, complexity, scope of work, problem solving, freedom to act/supervision received, work environment, physical demands, impact of discretionary decisions, human relations skills/contacts, authority exercised and supervisory/managerial responsibility. Additionally, a comparative analysis was conducted of the proposed position's counterparts within the organization. The factors in determining the pay grade allocation are attached.

ANALYSIS OF SIMILARITIES AND DIFFERENCES:

A review of the Government of Guam Classification Plan's Occupational Listing revealed that there are positions that are closely associated with the proposed General Administration Manager position, however, those positions are subjected to the sole use of the line departments or autonomous agencies and cannot be used by the Port Authority of Guam.

As a result, it is recommended that the General Administration Manager position be established under the Port's Classification and Compensation Plan.

FISCAL NOTE:

The full-time equivalency (FTE) and funding has been identified and approved by the Board.

RECOMMENDATION:

Our review has determined the following pay grade allocation for the General Administration Manager:

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
913	MM-3A	\$77,007	MM-4A	\$80,134

Based on the above and the attached analysis and documents, it is recommended that the Board of Directors approve the creation of the General Administration Manager position and the resultant pay grade allocation at the pay grade indicated above in the classified service.


SHAWN B. CEPEDA
Acting Personnel Services Administrator

GENERAL ADMINISTRATION MANAGER

NATURE OF WORK:

Under the general direction of management, plans, organizes, manages and participates in the work of staff engaged in providing administrative and clerical support services to the divisions of the Port. The position administers a comprehensive records management program, to include storage and preservation of a variety of valuable and historic records and documents and storage and disposal of inactive and obsolete records under their custody, as well as, maintenance and repair of telecommunication machinery systems.

ILLUSTRATIVE EXAMPLES OF DUTIES: (These examples do not include the duties and responsibilities which may be assigned; nor do the examples cover all the duties which may be performed.)

Plans, organizes, controls, integrates and evaluates the work of assigned staff in the performance of secretarial, telephone receptionist, courier mail and distribution, printing and copying services and develops, implements and monitors work plans to achieve the Authority's mission, goals and performance measures.

Plans, organizes, directs and evaluates the performance of assigned staff, establishes performance requirements and personal development targets; regularly monitors performance and provides coaching for performance improvement and development.

Plans, organizes, implements and maintains the Authority's document management and control programs, methods, practices and procedures to ensure compliance of all applicable laws and regulations; develops and implements the Port's policies and procedures for the organization, retention, storage and retrieval of vital records and documents. Trains staff, as well as, other divisions' administrative staff on documentation process on a day-to-day basis.

Participates and supervises in developing, implementing and maintaining a coding and indexing structures for use in document management programs; maintains and updates forms; indexes and records management databases or systems to track records and maintain document status log.

Conducts research and locates documents and records; receives researches and responds to requests for information.

Directs, participates in, coordinates preparation of and administers the division's operating and capital budgets; monitors budget performance reports and prepares periodic analysis and reports for use by management; develops budget inputs and recommends budget adjustments and recommends invoices for payment.

Develops and implements operational policies and procedures to ensure division conformance with Port policies and standards.

Supervises and participates in the studies of the Authority's operational and administrative processes and practices to identify process, productivity and cost improvements; recommends changes to improve productivity and service while reducing costs.

Represents the division in meetings with Port officials and staff on a variety of business operations matters; makes presentations before outside groups and agencies; coordinates and consults with other divisions to ensure work programs and objective are consistent; manages or develops policy in related areas.

Oversees staff conducting software and hardware inventories; interfaces with end users and Information Technology division to resolve issues and recommends system improvements; stays abreast of industry trends and changes in information technology to keep knowledge and skills current.

Interfaces with customers to ensure division's operations meets Port's customer service standards; establishes the Authority's customer service requirements and sets priorities; resolves customer complaints and issues; develops and maintains a customer network.

Coordinates with contractors on the maintenance and upkeep of the Authority's communication system.

Assist in the preparation and upload of public records, meeting agendas and minutes, audio and video files available to the public via the Port's internet website and in the assembly, copy and collation of agenda packages and binders for duplication and distribution.

May serve as a project leader for assigned special projects and program initiatives, including defining project objectives, establishing project schedules and monitoring project completion on schedule and budget.

Performs related work as required.

MINIMUM KNOWLEDGE, ABILITIES AND SKILLS:

Knowledge of:

- Principles and practices of office administrative and management practices and procedures.
- Port organization, function, operations, laws, rules, policies and procedures.
- Principles and practices of sound business communication; correct English usage, including spelling, grammar and punctuation.
- Principles, practices, methods and techniques of document and records and documents storage and retrieval technologies.
- Local and federal laws applicable to retention requirements for a wide variety of documents.
- Basic research techniques, methods and procedures.
- Principles and practices of effective management and supervision.
- Port human resources rules and regulations, policies and labor contract provisions.
- Safety principles and practices.

Ability to:

- Plan, organize, manage and direct a variety of complex work programs and activities.
- Plan, schedule, coordinate and supervise the activities of staff.
- Organize work, set priorities and provide advice and support to meet the Authority's needs.
- Utilize and maintain electronic document management systems and technologies to efficiently store and retrieve documents required for Port operations.

- Classify, index, process, file, and retrieve a wide variety of materials under a comprehensive government records management system.
- Analyze records management problems, reaching sound conclusions and recommending improved procedures, equipment and facilities.
- Appraise the accuracy the value of and legal requirements regarding a wide variety of records and documents.
- Exercise sound, independent judgment within established guidelines.
- Maintain information and generate reports utilizing computer equipment.
- Prepare clear and concise reports and other written correspondence.
- Establish and maintain effective working relationships with others encountered in the course of work.
- Manage multiple and rapidly changing priorities.

Skill in:

- Operation of a personal computer with standard business software, including word processing, spreadsheet and data base applications and other standard office equipment.

MINIMUM EXPERIENCE AND TRAINING:

- A. Eight (8) years of progressively responsible administrative experience of which three (3) years of which were in a supervisory level and graduation from a recognized college or university with a Bachelor's degree in public or business administration, social or behavior sciences or related field; or
- B. Any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

Fiscal Year 2023
FUNCTIONAL STATEMENT FOR
FINANCE DIVISION

INTRODUCTION

The Jose D. Leon Guerrero Commercial Port is established by Public Law 13-87, as a public corporation and an autonomous instrumentality of the Government of Guam. The Agency is mandated to provide for the needs of ocean commerce, shipping, recreational, commercial/boating and navigation of the Territory of Guam.

The enabling act provides that the Port must be entirely self-supporting, i.e., it must raise capital funds for construction projects by borrowing money on its own credit. Its financial obligations and administrative operating costs must be paid by monies generated from the use of its facilities and services in accordance with the provisions of the Port terminal tariff.

BOARD OF DIRECTORS

The Board of Directors is composed of five (5) non-salaried members, appointed by the Governor with the consent and advice of the Guam Legislature. The Board provides and establishes policies and directives pertaining to the planning, promotion, development, construction, operation, and maintenance of the Port facilities.

GENERAL MANAGER

The General Manager, under the general direction of the Board of Directors, serves as Chief Executive Officer for the Authority. The General Manager has charge and control of the planning, organization, staffing, direction and coordination of the Authority's operations and business affairs. The General Manager is hired and employed at the pleasure of the Board.

DEPUTY GENERAL MANAGER, ADMINISTRATION AND FINANCE

The Deputy General Manager, Administration & Finance is under the general supervision of the General Manager. In the absence of the General Manager, may serve as Acting General Manager. The position is hired and employed under the terms and conditions fixed by and at the pleasure of the Board of Directors. The Deputy General Manager for Administration & Finance is responsible for the overall operations and administration of Marketing/Public Relations Division and Corporate Services Department which includes General Administration, Commercial, Human Resources, Information Technology, Procurement & Supply and Finance divisions.

GENERAL ADMINISTRATION DIVISION

The General Administration Division provides routine clerical support, such as, mail distribution, printing and copying, courier services and telephone receptionist to all divisions within the Authority. In addition, the division is tasked the development and administering a comprehensive records management program, to include storage and preservation of a variety of valuable and historic records, documents, and disposal of inactive and obsolete records under their custody, as well as, maintenance and repair of telecommunication machinery systems. The division also provides secretarial duties, functions and responsibilities in the absence of the General Manager's staff and other office support services to Port divisions.

JOB EVALUATION
For
GENERAL ADMINISTRATION MANAGER

Factors	Points	Comments
Education	J 132	Tertiary/Professional: Requires a post high school tertiary qualification at a university, polytechnic or equivalent educational body. J132: Bachelor's degree including degrees with double honors and conjoint degrees.
Experience	I 100	Advanced/Specialized: The job requires advanced/specialized experience in a technical, scientific or professional field often gained through the attainment of additional relevant qualification and/or post qualification practical experience. It may also be necessary to work in harmony with conflicting and diverse activities and this may involve the control of resources and people, e.g., 5-7 years related experience.
Complexity	D50 264 132.0	Involved: Whilst the end results are still generally defined the means of achieving them are becoming unspecified and as a result more complex to that outlined in "C – Defined". The need to balance continuous conflicting demands (often from diverse sources) together with an increasing level of unpredictability is encountered.
Scope of Work	C15 264 39.6	Influencing/Supervisory: Supervision of others is required and/or coordination of resources and processes (human/physical/financial) in order to achieve significant outcomes for the organization.
Problem Solving	E 115	Complex: Problems contain unexpected and unusual elements not previously encountered. Extensive research may be required. Corporate policies and available expertise will not necessarily provide a complete answer to the problem.
Freedom to Act/Supervision Received	E 100	General Guidance: Minimal guidance is provided. Expected to plan activities of own work program within the overall objectives of the operations—division. Expected to raise only contentious or major problem issues for the Board or General Manager's consideration.
Work Environment	A1 12	Work is performed indoors in office conditions with almost no unpleasant environmental influences.

Factors	Points	Comments
Physical Demands	A 1 22	Work is usually performed sitting, with the opportunity to stand and walk freely.
Impact of Discretionary Decisions	C1 43	Direct impact of a single decision causes a significant impact which can be expressed in dollar terms of thousands of dollars.
Human Relations Skills/Contacts	E3 66	Sensitive/Responsive: extensive contact with a large part of the organization and/or a need to lead, motivate and direct staff in sensitive employee relations conditions.
Authority Exercised	F1 100	Approves routine expenditure within budgetary limits and is accountable for an O&M budget (\$200,0000 - \$2 million).
Supervisory & Managerial Responsibility	B1 19	Has full supervisory/managerial responsibility for up to 10 staff which includes allocation of work, accountability for their outputs, quality, etc. and appraisal of their performance.
TOTAL POINTS	913	

PAY GRADE ALLOCATION

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
913	MM-3A	\$77,007	MM-4A	\$80,134

PORT AUTHORITY OF GUAM



POSITION DESCRIPTION

1.0 IDENTIFICATION

POSITION TITLE	General Administration Manager
POSITION NUMBER	
NAME OF EMPLOYEE	
NAME OF DIRECT SUPERVISOR	
TITLE OF DIRECT SUPERVISOR	
JOB LOCATION (Department / Agency)	Port Authority of Guam
DIVISION	General Administration
DEPARTMENT	
SECTION / UNIT	
FLSA	
CLASSIFICATION	<input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified <input type="checkbox"/> Vacant
JOB EVALUATION POINTS	
PAY GRADE	
POSITION DESCRIPTION (Reviewed)	

2.0 DESCRIPTION OF DUTIES

2.1 ESSENTIAL FUNCTIONS

Organize and list duties and/or responsibilities that must be performed using one of the formats below:

- a) Daily work assignments, beginning with the first duty and ending with the last duty of the day
- b) Percentage of time. Show % for each duty and/or responsibility (Note: total % should equal 100%)
- c) Order of importance, beginning with the most important

Mark with an [X] one format only: a) b) c)

Duty No or % of Time	Duties and/or Responsibilities
	Plans, organizes, controls, integrates and evaluates the work of assigned staff in the performance of secretarial, telephone receptionist, courier mail and distribution, printing and copying services and develops, implements and monitors work plans to achieve the Authority's mission, goals and performance measures; Plans, organizes, directs and evaluates the performance of assigned staff, establishes performance requirements and personal development targets; regularly monitors performance and provides coaching for performance improvement and development; Plans, organizes, implements and maintains the Authority's document management and control programs, methods, practices and procedures to ensure compliance of all applicable laws and regulations; develops and implements the Port's policies and procedures for the organization, retention, storage and retrieval of vital records and documents. Trains staff, as well as other divisions' administrative staff on documentation process on a day-to-day basis; Participate and supervises in developing, implementing and maintaining a coding and indexing structures for use in document management programs; maintains and updates forms; indexes and records management databases or systems to track records and maintain document status log; Conducts research and locates documents and records; receives researches and responds to requests for information; Directs, participates in, Coordinates preparation of and administers the division's operating and capital budgets; monitors Budget performance reports and prepares periodic analysis and reports for use by management; Develops budget inputs and recommends budget adjustments and recommends invoices for payment; Develops and implements operational policies and procedures to ensure division conformance with Port policies and standards; Supervises and participates in studies of the Authority's operational and Administrative processes and practices to identify process, productivity and cost improvements; Recommends changes to improve productivity and service while reducing costs; Represents the Division in meetings with Port officials and staff on a variety of business operations matters; makes Presentations before outside groups and agencies; coordinates and consults with other divisions to Ensure work programs and objectives are consistent; manages or develops policy in related areas; Oversees staff conducting software and hardware inventories; interfaces with end users and Information Technology division to resolve issues and recommends system improvements; stays Abreast of industry trends and changes in information technology to keep knowledge and skills Current; Interfaces with customers to ensure division's operations meet Port's customer services Standards; establishes the Authority's customer services requirements and sets priorities; resolves Customer complaints and issues; develops and maintains a customer network; Coordinates with contractors on the maintenance and upkeep of the Authority's communication system; Assist in the Preparation and upload of public records, meeting agendas and minutes, audio and video files Available to the public via the Port's internet website and in the assembly, copy and collation of Agenda packages and binders for duplication and distribution; May serve as project leader for Assigned special projects and program initiatives, including defining project objectives, establishing Project schedules and monitoring project completion on schedule and budget; Perform related work.

2.2 NON-ESSENTIAL OR ADDITIONAL FUNCTIONS

List duties and responsibilities not listed above that may be performed, as assigned:

Duty No or % of Time	Duties and/or Responsibilities

3.0 CONTACTS

Departments, agencies and/or individuals you deal with during the course of your daily activities:
Operations Manager, Transportation & Stevedore Superintendent, Shipping Agencies, Trucking Companies.

3.1 WITHIN DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
	15 - 50% of total working hours
	Over 50% of total working hours

3.2 OUTSIDE DEPARTMENT / AGENCY

Mark one correct response below with an [X]

	None
	Up to 15% of total working hours
	15 - 50% of total working hours
	Over 50% of total working hours

4.0 SUPERVISION RECEIVED

How closely is the employee / job holder's work reviewed by their direct Supervisor. Mark one correct response below with an [X]

	Detailed and specific instructions / procedures received or followed for each assignment
	General Supervision - Routine duties are performed with minimal supervision. Standard practices or procedures allow employee to function alone at routine work. Supervisor makes occasional check of work while in progress. Work is reviewed upon completion.
	Direction - Receives guidance about general objectives in most of the tasks and projects assigned; determines methods, work sequence, scheduling and how to achieve objectives of assignments; operates within policy guidelines. (Generally applicable to skilled professionals, managers and supervisors.
X	General Direction - Receives very general guidance about overall objectives; work is usually quite independent of others; operates within division or department policy guidelines, using independent judgment in achieving assigned objectives. (Generally applicable to managers / administrators in large and complex organizations and to department / agency heads and their first assistants.)

5.0 SUPERVISION EXERCISED

The employee / job holder supervises other employees. List the number of employees supervised, their position titles and a brief description of their responsibilities.

If the employee has no supervisory responsibility mark [X] in this box

No Supervised	Position Title	Description of Responsibilities
1	Program Coordinator II	Moderately complex technical duties on an on-going basis & participates in full range of complex technical duties.
2	Clerk III	Varied clerical work involved in performance of moderately complex clerical transactions.

6.0 EQUIPMENT

List the equipment (pickup truck, welder, crane, etc.), office machines (word processor, calculator, copying machine, etc.), or any other machines, tools or devices that are used on a regular and continuing basis. Show what percentage of the regular workday is spent using each.

%	Tools / Equipment
	Personal computer, copying machine, binding machine, paper cutter, paper shredder, etc.

7.0 JOB REQUIREMENTS

Mark [X] in this box if the job holder is unable to complete this section. The direct Supervisor will then complete this section for the job holder.

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7.1 MINIMUM QUALIFICATION REQUIREMENTS

Identify below the minimum experience and training a qualified applicant must have before employment.

--	--

7.1.1 WORK EXPERIENCE

List the general, specialized and/or supervisory / management work experience needed and how much (in months and/or years). If none, mark an [X] in box a) "No work experience required."

a) No work experience required

b) General

Years Months

Progressively responsible administrative experience	8	

c) Specialized

Years Months

d) Supervisor / Management

Years Months

Supervisory level work experience	3	

If no work experience is required, list the knowledge, abilities and skills a qualified applicant needs before employment to perform the essential job functions.

Years Months

7.1.2 FORMAL EDUCATION OR TRAINING

Mark an [X] in the box that indicates the most applicable education level required :

Below High School. Show number of years:

High School Graduation / GED

Vocational / Technical School. Detail below the specific training that is required by this position:

Some College. Show number of Semester Hours, or

Quarter Hours

Detail below specific courses required by the essential functions of this position:

College Degree. Show major area of study required:

Associates:	
Bachelors:	
Masters:	
Beyond Masters:	

7.1.3 CRITICAL SKILLS / EXPERTISE

List specialized skills or specialization needed to perform essential functions:

7.1.4 LICENCE / REGISTRATION OR CERTIFICATION

List possession of required license, professional registration/certification needed to perform essential functions:

7.2 MENTAL / VISUAL / PHYSICAL & ENVIRONMENTAL JOB REQUIREMENTS

7.2.1 PHYSICAL REQUIREMENTS

Mark with an [X] below the most appropriate physical requirement(s) for the job.

X	Sitting	The job requires the employee to sit in a comfortable position most of the time. The employee can move about.
	Sitting	Employee is required to sit for extended periods or time without being able to leave the work area.
	Sitting/Standing/Walking	The employee is required to sit, stand, walk most of the time.
	Climbing	Employee is required to climb ladders or scaffolding or to climb and work in overhead areas.
	Lifting	Employee is required to raise or lower objects from one level to another regularly.
	Pulling and/or Pushing	The job requires exerting force up to ____ pounds on a regular basis to move the object to or away from the employee.
	Carrying	The employee is required, on a regular basis, to carry objects in his or her arms or on the shoulder(s).
	Reaching	The employee is regularly required to use the hands and arms to reach for objects.
	Stooping and Crouching	The employee is regularly required to bend forward by bending at the waist or by bending legs and spine.
	Crawling	Employee is required to work in a confined space and/or to crawl and move about on his or her hands and knees.
	Speaking	The job requires expressing ideas by the spoken word.
	Listening	The job requires the perception of speech or the nature of sounds in the air.
	Other	See description below

Describe any other physical job requirements below:

7.2.2 MENTAL / VISUAL REQUIREMENTS

Mark with an [X] below the most appropriate mental / visual requirement for the job.

- General Intelligence (typical requirement for machine operators, office staff, etc.)
- Motor Coordination Skills (typical for automotive mechanic, painter, etc.)
- Coordination of Eyes, Hands, and Feet (e.g. tractor trailer driver, fire fighter, line electrician, etc.)
- Verbal Intelligence (typical for counsellors, customer service representatives, etc.)
- Numerical Intelligence (typical for an accounting clerk, cargo checker, etc.)
- Other (outline below)

7.2.3 WORK ENVIRONMENT & WEATHER EXPOSURE

Selecting one response only show what percent of a typical workday is spent:

%

- 100 Indoors in a comfortable temperature-controlled environment (for instance, in an office)
- Indoors in a non-temperature-controlled environment (e.g. storerooms and warehouses, etc.)
- Outdoors exposed to changing weather conditions (for instance, rain, sun, wind, etc.)
- Outdoors but in an enclosed vehicle protected from extreme weather conditions.

7.2.4 OTHER PHYSICAL WORKING CONDITIONS

Mark an [X] in the box if none of the following is applicable

Show what percent of a typical workday this position is exposed to:

%

- Air contamination (i.e., dust, fumes, smoke, toxic conditions, disagreeable odours).
- Vibration (i.e., operating jackhammer, impact wrench).
- Noise (Exposure at a level enough to cause bearing loss or fatigue).
- An improperly illuminated or awkward and confining work space.

Working above ground level where the chance of falling exists (e.g. ladders, bucket trucks etc)

Lifting or carrying items or objects. Describe item/object and weight:

Heat. Describe source and degree of high temperature.

Cold. Describe source and degree of cold temperature:

Other hazards. Describe:

7.2.5 IRREGULAR / UNUSUAL JOB REQUIREMENTS

Describe the working conditions that are irregular or unusual for the job and show frequency of exposure.

Mark an [X] in the box if not applicable

Condition	Frequency of Exposure

7.3 WORK SCHEDULE / HOURS

Work Schedule/Hours – Mark an [X] the most appropriate work schedule/hours for the job.

Regular - Standard Eight (8) hours daily, Monday - Friday

Irregular - Shift work - A 24-hour work operation.

Regular / Irregular - Overtime hours with overtime pay entitlement

State purpose and average total hours required per pay period:

Regular / Irregular - Overtime hours without overtime pay entitlement

State purpose and average total hours required per pay period:

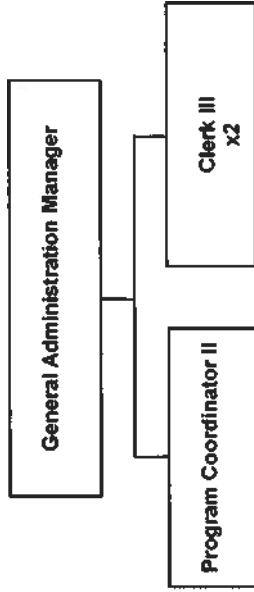
The information given on this position is complete and correct.

Signature of Employee

Date

PORT AUTHORITY OF GUAM
Jose D. Leon Guerrero Commemorial Port
FISCAL YEAR 2023 ORGANIZATIONAL CHART

GENERAL ADMINISTRATION DIVISION



FISCAL NOTE

1. A. Fiscal effect: Identify the fiscal effect on the agency appropriations compared to funding levels and appropriations anticipated under current Budget.

	FY 2023				FY 2024			
	General	Crane Surcharge	FMF	Marinas	General	Crane Surcharge	FMF	Marinas
Revenues								
Expenditures	\$90,880				\$218,108			
Budget								

2. A. Fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact*

The Port is in the process of petitioning the creation of a Chief Financial Officer & General Administration Manager under the Port's Classification and Compensation Plan. The salaries and benefits for the positions has also been identified. The following are different levels recommended for the Chief Financial Officer & General Administration Manager positions and their corresponding salary ranges.

Chief Financial Officer

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
1377	PP-9B	\$141,101	PP-10B	\$146,830

General Administration Manager

Job Evaluation Points	Pay Grade/Step & Sub-Step	Minimum Salary	Pay Grade/Step & Sub-Step	Maximum Salary
913	MM-3A	\$77,007	MM-4A	\$80,134

- B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The General Manager will be presenting to the Board on February 23, 2023, (2) two creation of positions – Chief Financial Officer & General Administration Manager. The funding for the two positions will come from the Vacancy Pool.

3. Fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues:

B. Expenditures:

If the Port decides to hire based on the minimum salary for both positions starting May 7, 2023 the total pro-rated amount for FY 2023 is \$90,880. The hiring of the two new positions will increase the salary for FY 2024 to \$218,108.

C. Budget: Explain the appropriations amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.

The appropriations for the two new position creations will come from the Vacancy Pool budget based on the YTD for FY 2023. The expenditures for FY 2023 and FY 2024 are indicated in section *IA*.

Name: Jose B. Guevara III, Financial Affairs Controller
Division: Finance Division
Telephone: (671) 477-5931 ext. 323
Date Prepared: 2/16/2023



PORT OF GUAM
ATURIDAT / PUEYTON GUAHAN
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Website: www.portguam.com



Lourdes A. Leon Guerrero
Governor of Guam
Joshua F. Tenorio
Lieutenant Governor

**Port Authority of Guam
Board of Directors Regular Board Meeting
April 6, 2023**

Executive Summary

**RFP-PAG 022-003 A/E Design and Consulting Services for the Installation
of a Fuel Pipeline System at F1 Pier and Golf Pier Connectivity**

PURPOSE: Port Authority of Guam management request the Port Board of Directors for approval of award to AM Orient for the Request for Proposal RFP-PAG-022-003 A/E Design and Consulting Services for the Installation of a Fuel Pipeline System at F1 Pier and Golf Pier Connectivity.

BACKGROUND:

On April 11, 2022, a Request for Proposal (RFP) was issued and published in the Pacific Daily News. The RFP was to solicit to qualified companies/firms to provide A/E Design and Consulting Services for RFP-PAG-022-003 to the Port Authority of Guam. Thirteen (13) prospective offerors expressed their interest by registering online and downloading the RFP packet from the Port's website. The deadline for all proposal's to be submitted was scheduled on May 13, 2022 at 4:00pm.

On the day of the RFP submittal, only three (3) companies submitted proposals. All submittals were submitted prior to the deadline established. On June 15, 2022 all proposals were opened and a review was conducted by the procurement staff and found all offerors to be in compliance with the RFP packet and the procurement requirements and therefore, responsive. On June 3, 2022 an evaluation committee was established by the Port General Manager, and the evaluation, scoring and ranking was completed on July 7, 2022. AM Orient received a total score of 454 out of a total possible score of 500 ranking them the highest and best qualified offeror. A Notice of Intent to Award was issued on July 7, 2022, requesting AM Orient to submit their rate and fees associated with the A/E Design and Consulting Services to be provided to the Port.

On July 8, 2022, the Port's cost negotiations committee was established. AM Orient's initial cost proposal dated September 12, 2022 was submitted to the Port, and after review, the cost negotiations committee found the cost proposal to be extremely high. A second cost proposal was submitted on January 4, 2023 of which the cost negotiations team determined to be high as well. Based on this, the Port's cost negotiations committee agreed the Port's CIP division would perform the Construction Management Services (CMS) for this project and was able to remove the CMS services from the AM Orient January 4, 2023 proposal. On March 14, 2023, a Letter of Acceptance was prepared and signed by AM Orient, of which both parties accepted and agreed to the fair and reasonable fees for this project. AM Orient also agreed to the terms and conditions of this project with an initial 2 years with option for 3 additional one-year renewal options provided this contract does not exceed five (5) years.

LEGAL REVIEW:

This contract is below the \$500,000.00 threshold which does not require SAAG overview. The Port's Legal Counsel has reviewed and approved the finalized contract as to form and upon Board approval, the purchase order and final contract agreement will be circulated for full execution by both parties.

FINANCE REVIEW:

Funding for this Request for Proposal RFP-PAG-022-003 A/E Design and Consulting Services for the Installation of a Fuel Pipeline System at FI Pier and Golf Pier Connectivity is through Grant Funding from the Economic Development Administration (EDA) and Port Local Funds with cost share of 80% (Grant) and 20% (Port) with a total cost of \$471,588.55.

RECOMMENDATION:

Management requests the Board of Directors for the approval of the contract award to AM Orient. The terms of the contract will be for an initial term of two (2) years with options for three (3) additional one-year (1) contract renewal periods, provided, this contract does not exceed a term of five (5) years. AM Orient is deemed responsive and responsible and has met all the requirements and specifications set forth in the Request for Proposal (RFP), which is consistent with Guam Procurement Regulations.



PORT OF GUAM

ATURIDAT I PUETTON GUAHAN

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Website: www.portguam.com




Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor

March 24, 2023

MEMORANDUM

TO: Board of Directors

FROM: Rory J. Respicio, General Manager 

SUBJECT: Acceptance of Port Lease Agreement with Marianas Yacht Club for purposes of transmitting to the Governor and Legislature in accordance with Board Resolution No. 2021-03

Presented for your acceptance is the proposed 30-year lease agreement reached between the Port Authority of Guam and the Marianas Yacht Club.

By way of background, Marianas Yacht Club was incorporated as a not-for-profit organization on February 21, 1969, in response to a public call of interest for a sailing club that resulted in 114 founding members. Sailboats, sailing regattas, and sailing education subsequently burgeoned, and through the efforts of the Guam Economic Development Agency and Mobil Oil Guam, Inc., a location for the club in Apra Harbor was established on Mobil property on Cabras Island as a temporary site. In 1989, the Marianas Yacht Club relocated to its present site on Sasa Bay under a 30-year lease from the Port Authority of Guam, which established a roadway and utilities for the present clubhouse and storage for boating and racing equipment. The Marianas Yacht Club, through the Army Corps of Engineers, established a Small Boat Anchorage within Sasa Bay, maintains Sasa Bay navigational markers, and set moorings for use by members and visiting yachts.

On November 14, 1991, the Twenty-First Guam Legislature enacted Public Law 21-62, which approved the current lease between the Port Authority and MYC for a thirty (30) year term. The lease naturally expired on November 7, 2021, and the parties have continued the lease on a month-to-month holdover basis since that time. The MYC Commodore, at the time, Mr. Tim Armour, notified the Port of MYC's desire to enter into a new lease with the Port on the same property, Parcel Number 1, L.M. Dwg. E4-82T693, situated in the Municipality of Piti, Guam.

Currently, Marianas Yacht Club has over 1,350 continuing members, is a non-profit organization that has historically promoted community interest and participation in the sport of sailing, including by conducting Red Cross certified sailing instruction programs open to the people of Guam with an emphasis on sailing instruction for Guam's youth, supporting and managing major international yacht racing events, and hosting other competitive sailing events.

On February 25, 2021, the Port Board of Directors unanimously passed Board Resolution No. 2021-03, which affirmed that it is in the best interest of the Port Authority to enter into a new lease with MYC, for a term to be agreed on, but expected to exceed five (5) years. The Board further resolved to authorize Port management to petition the Governor of Guam for approval to seek a legislative solution to approve a new lease between the Port and MYC, since 12 GCA § 10105(i) and 21 GCA § 60112(a) require legislative approval for leases of government real property over five (5) years in duration.

Memo to Board of Directors

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Consequently, Port management has worked extensively with MYC Commodore Catherine Denight Gayle to negotiate terms for a similar but new lease agreement between the Port and MYC. The notable changes made to the new lease agreement from the previous agreement, and agreed to by both parties, are as follows:

1. The footprint of the property being leased was adjusted to include additional dry land (but not shoreland) equivalent in area to offset the land washed away by ocean erosion, but the total area of the leased property remains the same approximately 4,000 square meters as was covered under the old lease;

2. A new preamble to the beginning of the agreement was written to update the history of the MYC and its contributions to Guam's sailing community;

3. Section 5, entitled "Use," was enhanced to better detail the types of uses MYC is permitted to make of the leased property, to include (1) the ability to license members of the public to temporarily use the property for recreational purposes, (2) the ability to fundraise for the purpose of obtaining grants; and (3) expressly prohibiting any commercial cargo activity;

4. Section 6, entitled "Alterations, Construction and Replacements," was amended to ensure the Port maintains adequate oversight over any proposed construction on the property;

5. Section 13, entitled "Condemnation," was slightly altered to clarify MYC's rights and obligations in the unlikely event of partial or total government condemnation of the property;

6. Section 16, entitled, "Attorney's Fees and Costs Incurred to Enforce Lease Provisions," was amended to clarify that the Port is not liable for MYC's attorney's fees, should MYC prevail in any litigation dispute;

7. Section 17, entitled "Compliance with Law," was amended to include language specifying that any failure to comply with all laws and regulations would be reasonable cause to terminate the lease;

8. Section 19, entitled "Approvals," was updated to omit the U.S. Government as an approval authority, to declare the necessity of legislative approval of the lease, and to maintain the month-to-month basis of the existing lease until such time of legislature approves the new lease agreement; and

9. Section 20, entitled "Special Requirements," was modified to ensure: (1) that MYC perpetually maintains its non-profit status and shares its annual reports with the Port; (2) that MYC maintains a non-discriminatory inclusion policy toward the public; (3) that MYC's rules and regulations, especially those regarding public access, are subject to Port Board approval; and (4) that MYC periodically provide information to the Port regarding its continued compliance with its stated purpose, insurance requirements, non-profit status, Port Rules, and other lease obligations.

In light of the above, Board acceptance is being requested on the proposed new lease, as presented, by and between the Port Authority and MYC. Upon acceptance, Port management will proceed with the Board's direction per Board Resolution No. 2021-03 to enter into the new lease agreement with MYC and petition the Governor to execute the lease and seek its legislative approval.

I am available for any questions you may have.

BOARD OF DIRECTORS

*Francisco G. Santos, Chairman
Nathan T. Taimanglo, Vice Chairman
Isa Marie C. Koki, Board Secretary
Dorothy P. Harris, Member*



Resolution No. 2021-03

RELATIVE TO PETITIONING THE GOVERNOR OF GUAM FOR APPROVAL TO SEEK LEGISLATIVE SOLUTION TO ENTER INTO A NEW LEASE OF CERTAIN REAL PROPERTY BY THE PORT AUTHORITY OF GUAM TO THE MARIANAS YACHT CLUB

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, on November 14, 1991, the Twenty-First Guam Legislature enacted Public Law 21-62 (“PL 21-62”), which approved the current lease between the Port Authority of Guam (“PAG” or “the Port”) and the Marianas Yacht Club (“MYC”) for a thirty (30) year term, commencing on the date of legislative approval and expiring on November 7, 2021; and

WHEREAS, there being no provision in the current lease to allow for option renewals, the current lease agreement between MYC and PAG is therefore expected to expire on November 7, 2021; and

WHEREAS, the MYC, a non-profit organization and member of the PAG family for over fifty (50) years, through their Commodore, Mr. Tim Armour, has notified the Port of their desire to enter into a new lease with the Port on the same property, that is, Parcel Number 1, L.M. Dwg. E4-82T693, situated in the Municipality of Piti, Territory of Guam; and

WHEREAS, the Twenty-First Guam Legislature, through its enactment of PL 21-62, recognized the need for a central facility located at Apra Harbor, Guam, to be used for recreational boating, the conduct of sailing instruction open to the People of Guam with special emphasis on sailing instruction for Guam’s youth, to provide a training facility for Guam’s National Olympic Sailing Program, provide a facility for hosting of local and international yacht racing events and to promote community interest and participation in the sport of sailing, thereby enhancing the quality of life on Guam; and

WHEREAS, MYC, a not-for-profit organization, charged by the United States Yacht Racing Union and a member of the International Yacht Racing Union and of Guam’s National Olympic Committee, has demonstrated its ability to promote community interest and participation in the sport of sailing, conduct programs of Red-Cross certified sailing instruction open to the People of Guam with special emphasis on sailing instruction for Guam’s youth, support and manage major international yacht racing events, and that it is capable of providing support for Guam’s National Olympic Sailing Program and hosting competitive sailing events in future South Pacific Games; and

WHEREAS, the Port intends to enter into a new lease agreement with the MYC, upon the expiration of the current lease, for a term to be agreed upon at a later date, but for a term greater than five (5) years; and

WHEREAS, when read together, 12 G.C.A. § 10105(i) and 21 G.C.A. § 60112(a) requires specific legislative approval for lease terms exceeding five (5) years; and

WHEREAS, the Port Authority Board of Directors has determined that entering into a new lease with the MYC will serve the best interest of the Port and the People of Guam and therefore, recognizes the continued benefit of seeking a similar lease with the MYC in this instance, subject to the approval by the Legislature and the Governor of Guam through legislative solution;

THEREFORE, BE IT RESOLVED, that the Board of Directors, affirms that it is in the best interest of the Port and the Territory of Guam to enter into a new lease with the MYC, for a term to be agreed upon by both parties at a later date, but for a term greater than five (5) years; and be it further

RESOLVED, the Board of Directors authorizes management to petition the Governor of Guam for approval to seek a legislative solution to approve a new lease with the Port and the MYC upon the expiration of the current lease; and be it further

RESOLVED, the Chairman certify to, and the Secretary attest to, the adoption hereof and that a copy of this resolution be sent to the Governor of Guam and the Attorney General of Guam.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 25th DAY OF FEBRUARY, 2021.

**FRANCISCO G. SANTOS
CHAIRMAN, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**



**ISA MARIE C. KOKI
SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

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LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into on _____, 2023, by and between the **PORT AUTHORITY OF GUAM** (hereinafter referred to as "Lessor") and **THE MARIANAS YACHT CLUB**, a non-profit corporation (hereinafter referred to as "Lessee").

PREAMBLE

WHEREAS, Marianas Yacht Club was incorporated as a not-for-profit organization on February 21, 1969, in response to a public call of interest for a sailing club that resulted in 114 founding members, and

WHEREAS, Apra Harbor under Naval Operations restricted access to recreational use and sailing, and

WHEREAS, MYC newly elected officers worked with community and military leaders to open Apra Harbor for recreational use and sailing

WHEREAS, sail boats, sailing regattas and sailing education burgeoned, and through the efforts of the Guam Economic Development Agency and Mobil Oil Guam, Inc., a location for the club in Apra Harbor was established on Mobil property on Cabras Island as a temporary site, and

WHEREAS, by October 1969, a clubhouse, boat ramp, restrooms, and moorings were completed, and

WHEREAS, in 1989 Marianas Yacht Club relocated to its present site on Sasa Bay under a 30-year lease from the Port Authority of Guam, established a roadway and utilities for the present club house and storage for boating and racing equipment, and through the Army Corps of Engineers established a recognized Small Boat Anchorage within Sasa Bay, maintains Sasa Bay navigational markers, and set moorings for use of member and visiting yachts, and

WHEREAS, Marianas Yacht Club has provided annual sailing instruction to the public, established youth sailing camps, hosted Annual Challenge Day – Discover Sailing events for the community, provided the venue for two South Pacific Games sailing competitions, one Asia-Pacific Laser Championship, forty Guam-Japan Goodwill Regattas, two Three Sisters Regattas (Guam-Japan-Korea), two Auckland-Fukuoka Yacht Races, and multiple Nippon Ocean Racing Club Japan-to-Guam races, and

WHEREAS, Marianas Yacht Club has hosted visiting yachts from over 25 countries, and

WHEREAS, Marianas Yacht Club has provided a venue for Youth Triathlons, Boy Scouts, Island Girl Power, conservation and traditional sailing group educational events, Coast Guard Auxiliary meetings, Coast Guard events, Department of Agriculture Earth Day events and

WHEREAS, fundraising events have supported community scholarships for youth sailing education and equipment as well as Jose Rios Middle School music education, and

WHEREAS, the continuing membership numbers exceed 1,350, and

WHEREAS, the 30-year lease between the Marianas Yacht Club and the Port Authority of Guam has expired,

WITNESSETH

Lessor owns or administers the land described hereinbelow, and Lessor desires to lease such land to Lessee and Lessee desires to lease the same from Lessor.

Now, therefore, in consideration of the premises and the terms, covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessor and Lessee enter into this Lease and agree as follows.

1. **PREMISES:** Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the following described parcel of land, situated in the Municipality of Piti, territory of Guam (the "Premises"):

A portion of Parcel number 1, L.M. Dwg. E4-82T693, Apra Harbor, as shown in the drawing attached hereto marked as Exhibit A and incorporated by reference herein, which portion contains an area of approximately 4000 square meters.

TOGETHER WITH all and singular, the tenements, rights, easements, privileges, improvements and appurtenances to the same belonging or appertaining or held and enjoyed in connection therewith; and together also with all such rights, easements and privileges as Lessor may be entitled to grant in and to the shore area and surrounding waters adjacent to the Premises; and together also with the rights of ingress and egress as more fully described herein.

2. **Term.** The term of this Lease shall be for a period of thirty (30) years commencing on the date set forth above, subject to the provisions of Section 19, below.

3. Rent During Term. The rent payable from Lessee to Lessor shall be the sum of One Hundred Dollars (\$100) per year, payable annually in advance during each year the term of this Lease. This rental amount has been in good faith determined by the parties to be the fair rental value of the Premises, taking into consideration the provisions of this Lease, including without limitation that Lessee is a not-for-profit organization, that use of the Premises is generally limited as more fully provided in Section 5 below to boating and recreation and that the Premises are located in an area which has been reserved for open space and recreational uses. Provided however, should an appropriate agency of the United States federal having jurisdiction over the subject matter make a final and binding determination, pursuant to the provisions of Section 818(b)(2) of United States Public Law 96-418, that the fair rental value of the Premises exceeds the foregoing rental amount, then the rent payable hereunder shall be adjusted to such amount as shall have been determined by the federal government, pursuant to the provisions of Section 818 of Public Law 96-418, to be the fair rental value of the Premises as of the date of this Lease. Any such adjustment shall be made retroactive to the commencement date of this Lease. The parties recognize that Lessee is a not-for-profit organization with limited financial resources, and therefore in the event a mandatory rent adjustment is required to be made by reason of Section 818 of Public Law 96-418 and in the event Lessee in good faith determines it is unable to pay the adjusted rent, then the Lessee shall have the right, at Lessee's option, to be exercised within one (1) year from the date of a final and binding determination by the federal government that a rent adjustment is required, to either cancel this Lease without penalty or to reduce the area of the Premises by releasing from the Lease and returning to Lessor such portion of the Premises as Lessee may designate, subject to the approval of Lessor as to size and shape of the released portion (which approval lessor shall not unreasonably withhold). In the event of any mandatory rental adjustment is required by reason of

federal law, such rent adjustment shall not exceed in any event, the amount determined by the appropriate federal agency to be the fair rental value of the Premises as of the date of the execution of this Lease.

4. Quiet Enjoyment. Lessor shall put and keep Lessee in actual possession of the Premises at the beginning of and throughout the term of this Lease. Lessor covenants that Lessee, upon paying the rent required hereunder, shall lawfully, peacefully and quietly have, hold, use, occupy and enjoy the Premises without any suit, hindrance, eviction, ejection, molestation, interruption or disturbance whatsoever of or by Lessor or by any persons claiming by, from, under or against Lessor; subject to the terms of any deed of conveyance from the United States of America pursuant to which Lessor or its predecessor in interest may have acquired the property of which the Premises form a part. This Lease is in no way intended to prohibit or deter government of Guam officials and employees acting under color of authority from entering the Premises to perform a government-related function not otherwise prohibited by Guam statute, rule, or regulation.

5. Use.

(a) General. The Premises shall be used for the operation of a yacht club, sailing club, boating club, sailing and boating facilities, sailing and boating instruction, sailing and boating promotion, sailing and boating general support, including, but not limited to, traditional seafaring support and cruising mariners support, recreational and social activities, occasional food and beverage sales, related facilities, and the conduct of any and all activities, including educational, related or incidental thereto.

(b) Licensing for Recreational and Fundraising Activities. The Lessee may temporarily license the use of portions of the Premises to members of the public without

written consent of the Lessor for non-commercial, recreational and social activities, local fundraising events, and the conduct of any and all activities related or incidental thereto, provided that said activities and events are related to the primary Lease purpose described in section 5(a), above.

(c) **Grants and Fundraising Allowed.** The Lessee, with written consent from the Lessor, may independently and under the name of Lessee apply for applicable grants and/or aid necessary for the continued operation and use provided in Section 5(a) above, and may hold fundraising events to support the conduct of any and all activities related or incidental thereto.

(d) **Commercial Cargo Activity Prohibited.** The Lessee shall not make entry, nor allow the entry of, any vessel to unload, load, import and/or export, the cargo or any part thereof of any vessel elsewhere than at the port of Apra Harbor, the Commercial Port of the Agana Boat Basin. Further, the Lessee shall not engage in any business or commercial activity without (i) prior written approval of, or (ii) the proper execution of an agreement with the Port Authority of Guam. Business or commercial activity shall include, but is not limited to, any soliciting, and distribution of advertisements or circulars, intended for private gain or private purpose.

6. Alterations, Construction and Replacements.

Lessee may at any time and from time to time, construct or otherwise make new improvements on all or any part of the Premises, make any alterations, changes, replacement, improvements, and additions in and to the Premises, including the contour and grade thereof, and the additions, buildings and improvements constructed thereon, at no cost to the Lessor. However, any and all requests for construction on the Premises shall be made in writing and approved by the Lessor. Notice to Lessor of proposed improvements for Lessor's approval shall include at a

minimum a full description and diagrams or plans of design, materials, services, and pricing of said improvement; a construction timeline and impact statement; and the identity of all contractors and subcontractors involved.

Lessee shall have the right, at any time and from time to time, to enter into utility and other agreements with third persons, including, without limitation, governmental entities, for the purpose of developing, improving and operating the premises.

During the term of this Lease, title to any and all buildings or improvements situated or erected on the Premises and the building equipment, fixtures and other items installed thereon and any alterations or additions thereto shall remain in Lessee, and Lessee shall be the owner of the same. Upon expiration of this Lease, all improvements remaining on the Premises shall become the property of Lessor. The parties acknowledge and agree that any construction, erection, or placement of any equipment, fixture, structure, or improvement shall in no way whatsoever confer an irrevocable license unto Lessee.

The parties understand that Lessee is leasing the Premises for the sole and exclusive purpose of operating a yacht club and related facilities, and that if, in Lessee's judgment, the Premises ever for any reason become not reasonably suitable therefor, then Lessee shall have the right to terminate this Lease with no further liability or obligation hereunder. In the event of such termination, all rents paid hereunder shall not be refunded to Lessee and shall be the property of Lessor; however, Lessee shall have no further obligation or liability under this Lease.

7. Assignment. Lessee shall not have the right to assign this Lease or to sublet the entirety or any part or portion of the Premises unless the prior written consent of Lessor shall first be obtained, which consent shall not unreasonably be withheld. In the event Lessee proposes to assign this Lease to any not-for-profit organization which is a successor in interest to Lessee, and

of which Lessee is materially and substantially a part (or of which the majority of the members of Lessee are a part) then Lessor agrees it shall not unreasonably withhold its consent to such assignment so long as the assignee shall commit to observe and perform the terms and conditions of this Lease, including without limitation the provisions as to use of the Premises. The limitations in this Section shall not prevent Lessee from allowing other sailing, boating or recreational groups to share use of the Premises or any improvements or facilities, nor prevent Lessee from contracting with third parties to provide services or concessions to or for the benefit of Lessee.

8. Real Property Taxes. Lessee shall pay any and all taxes and assessments against the Premises and all improvements thereon throughout the term of this Lease.

9. Payment of Utilities. Lessee shall pay and be responsible for the installation of and all charges for, water, power and other utilities installed and supplied to and on the Premises.

10. Maintenance. Lessee shall, at its own cost and expense, maintain all the improvements on the Premises in good repair and condition throughout the term of this Lease, reasonable wear and tear excepted.

11. Insurance. Throughout the term of this Lease, so long as such coverage is reasonably and commercially available, Lessee shall keep and maintain adequate premises liability insurance insuring against injury to any person or property in a sum of not less than Three Hundred Thousand Dollars (\$300,000) for bodily injury to one person in any one accident, One Million Dollars (\$1,000,000) for bodily injury to more than one person in any one accident, and Two Hundred Thousand Dollars (\$200,000) for property damage in one accident.

12. Leasehold mortgages. Lessee may, at any time and from time to time during the term of this Lease for the purpose of financing the cost of making any improvements on the Premises, and after adequate notice to Lessor, encumber by mortgage or other security instrument

or otherwise, Lessee's interest under this Lease and the leasehold estate hereby created. If Lessee shall encumber and/or mortgage this Lease or its interest in the Premises, then so long as any such leasehold encumbrance or mortgage shall remain unsatisfied of record, the following provisions shall apply:

(a) Consent to Cancellation. There shall be no cancellation, surrender, amendment or modification of this Lease without the prior consent in writing of any leasehold mortgagee or secured party except in accordance with the terms hereof.

(b) Notice. Lessor shall, upon serving upon Lessee any notice of default as provided for herein, at the same time serve a copy of such notice upon any leasehold mortgagee or secured party, and any notice by Lessor to Lessee regarding default by Lessee shall not be deemed to have been effectively given unless a copy thereof has been served upon all existing leasehold mortgagees and secured parties.

(c) Remedy. Any leasehold mortgagee or secured party, in case Lessee shall be in default hereunder, shall, within the period herein provided, have the right to remedy such default, or cause the same to be remedied, and Lessor shall accept such performance by or at the instigation of such leasehold mortgagee or secured party as if the same had been performed by Lessee. For the purposes hereof, no event of default shall be deemed to exist under this Lease in respect to the performance of work required to be performed, or of acts to be done, or of conditions to be remedied, if steps shall, in good faith, have been commenced within the time permitted therefor to rectify the same and shall be prosecuted to completion with diligence and continuity. Anything herein contained to the contrary notwithstanding, upon the occurrence of an event of default, other than an event of default due to a default in the payment of money, Lessor shall take no action to affect the termination of this Lease if any leasehold mortgagee or secured party after

notice from Lessor as herein provided, acts diligently and in a reasonable time (in all events not to exceed ninety (90) days) thereafter to accomplish one of the following, either (i) to obtain possession of the Premises (including possession by receiver), or (ii) to institute, prosecute and complete foreclosure proceedings or otherwise acquire Lessee's interest under this Lease with diligence. Such mortgagee or secured party upon obtaining possession or acquiring Lessee's interest under this Lease shall be required promptly to cure all defaults then reasonably susceptible of being cured by such mortgagee or secured party; provided, however, that such mortgagee or secured party shall not be obligated to continue such possession or to continue such foreclosure proceedings after such defaults have been cured.

(d) Foreclosure. Any leasehold mortgagee or secured party shall have the right at any time during the term of this Lease to realize on the security afforded by the leasehold estate by exercising foreclosure proceedings or power of sale or other remedy afforded in law or in equity or by any applicable mortgage or security documents and to transfer, convey, or assign the title of Lessee to the leasehold estate created hereby to any purchaser at any foreclosure sale and to acquire and succeed to the interest of Lessee hereunder by virtue of any such foreclosure sale. Such mortgagee or secured party, or its assignee or designee, or other purchaser in foreclosure proceedings may become the legal owner and holder of this Lease through such foreclosure proceedings or by assignment of this Lease in lieu of foreclosure. During the time of any foreclosure proceedings and at all times thereafter, lease rent must be paid as and when scheduled in accordance with the provisions of this Lease and the Premises may not be used for any purposes other than those provided for in this Lease. Any such transferee, successor, assignee, or other subsequent holder of the leasehold interest must conform to all provisions of this Lease as is

required of the Lessee described herein, including but not limited to section 5, above, and section 20, below.

(e) Mortgagee as Assignee. No such leasehold mortgagee or secured party shall be liable to Lessor as an assignee of this Lease unless and until such time as such mortgagee or secured party shall acquire the rights of Lessee hereunder through foreclosure or other appropriate proceedings, or as a result of any other action or remedy provided for by any applicable mortgage or security document, or which may otherwise be provided by law. If any leasehold mortgagee or secured party shall acquire title to Lessee's interest in this Lease, by foreclosure, assignment in lieu of foreclosure, assignment from a designee, or under a new lease as provided herein, such mortgagee or secured party may assign such interest or lease and shall thereupon be released from all liability and obligation for the performance or observance of the covenants and conditions of this Lease or such new lease after the date of such assignment, provided that the assignee shall have assumed this Lease or such new lease. Any leasehold mortgagee and any assignee of this Lease or any such new lease shall pay rent as and when due hereunder and shall not use or permit to be used the Premises for any purposes other those provided for in this Lease. Any such transferee, successor, assignee, or other subsequent holder of the leasehold interest must conform to all provisions of this Lease as is required of the Lessee described herein, including but not limited to section 5, above, and section 20, below.

(f) Estoppel Certificates. Lessor agrees, at any time and from time to time, at no cost or expense to Lessee, upon request of Lessee, to execute, acknowledge and deliver to Lessee for the benefit of Lessee or any actual or potential lender, creditor, investor or successor Lessee, within thirty (30) days of the request, a statement in writing certifying that this Lease is unmodified and in full force and effect and Lessee is not in default (or if modified, in full force

and effect as modified and stating the modifications, or if there is any default stating such default), the dates to which rent or other sums have been paid in advance and setting forth such further information with respect to this Lease or the Premises as may be requested thereon, it being understood that any such statement delivered pursuant hereto may be relied upon by Lessee or any actual mortgagee, beneficiary or other party.

13. Condemnation. In the event the entire Premises is taken for public purposes by condemnation as a result of any action or proceeding in eminent domain, or shall be transferred in lieu of condemnation to any authority entitled to exercise the power of eminent domain, this Lease and all of the right, title and interest hereunder shall terminate and cease on the date title to the Premises so taken or transferred vests in the condemning authority.

In the event of the taking or transfer of only a portion of the Premises, if in Lessee's judgment the remaining Premises are unfit for use as a yacht club, Lessee may terminate this Lease and all right, title and interest thereunder shall cease on the date title of the Premises or the portion thereof so taken or transferred vests in the condemning authority. Otherwise, if Lessee elects to remain in possession of the Premises under this Lease, the rent payable hereunder shall be reduced in proportion to the area of the Premises taken.

It is understood and agreed by and between the parties that all compensation and damages awarded for the taking of all buildings and other improvements constructed, fixed, or placed by Lessee on the Premises or any portion thereof shall belong to and be the property of Lessee; provided, however, Lessor shall be entitled to receive an award and compensation from the condemning authority (not Lessee) for the value of its remainder interest in the Premises. Furthermore, Lessee shall be entitled to the award for and on account of any cost or loss Lessee may sustain in the removal of Lessee's fixtures, equipment and furnishings from the Premises, or

as a result of any alterations, modifications, or repairs which may be reasonably required by Lessee in order to place the remaining portion of the Premises not so condemned in a suitable condition for the continuance of Lessee's tenancy, or on account of any diminution in value of its leasehold estate hereunder. All interested parties may independently file separate claims in the condemnation proceedings for the purpose of having the value of their respective claims determined.

14. Lessor's Rights on Default. This Lease is dependent upon the continuing condition that (a) if Lessee shall fail to pay the rent as stipulated in this Lease or any part thereof when the same becomes due and shall fail to do so within thirty (30) days after written notice of default from Lessor; (b) if Lessee fails to, in any other respect faithfully observe and perform any other term, condition or covenant contained in this Lease, on its part to be observed or performed, and fails to cure said default within thirty (30) days after written notice thereof, or shall fail to commence to cure a default whose cure would require more than thirty (30) days; (c) if Lessee shall become bankrupt or makes an assignment for the benefit of its creditors, or file any debtor proceedings of any kind or character whatsoever under any provision of the Federal Bankruptcy Act seeking any readjustment, arrangement, postponement, composition or reduction of its debts, liabilities or obligations; or (d) if Lessee shall abandon the Premises; then and in any such event, Lessor may upon thirty (30) days written notice to Lessee, subject to the provisions herein contained, enter into and upon the Premises or any part thereof in the name of the whole and at Lessor's option:

(i) Cancel this Lease by giving written notice to Lessee and thereupon take possession of the Premises and all improvements thereon - and thereby become wholly vested with all right, title and interest of Lessee therein and may expel and remove Lessee from the Premises, without being guilty of trespass or becoming liable for any loss or damage which may

be occasioned thereby, all without prejudice to any other remedy or right of action which Lessor may have for arrears for rent or for any other preceding breach of this Lease on the part of Lessee, or

(ii) Relet the Premises, for the remainder of the term thereof at the best rent it can obtain for the account of Lessee who shall make good any deficiency.

15. Partial Invalidity. If any term, condition or provision of this Lease is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

16. Attorney's Fees and Costs Incurred to Enforce Lease Provisions. Pursuant to 5 GCA Section 6301(a), in all cases the Government of Guam and its agencies may not be held liable for prejudgment interest, nor for any punitive damages, nor for the attorneys' fees of a claimant. Therefore, in the event of any dispute arising out of this Agreement, it is hereby stipulated and agreed that the parties shall each bear their own costs and fees, including attorneys' fees.

17. Compliance with Law. Lessee shall, during the term of this Lease, as to the use, occupancy and improvement of the Premises comply with all material laws and regulations applicable the Premises. Reasonable cause for any violation of this provision by Lessee is sufficient cause for deeming Lessee's default, violation of Lease provisions, and/or material breach of the Lessee's obligations and duties under the Lease.

18. Access. The rights granted by Lessor to Lessee hereunder include free rights of ingress and egress to and from the Premises. Lessee's access between the Premises and the public highway shall continue to be through the existing unimproved roadway from the public highway to the Premises, as shown in the digital image attached hereto and made a part hereof as

Exhibit C. Lessee, at Lessee's sole cost and expense shall the right from time to time to clear, grade, fill and otherwise improve this existing unimproved roadway and to have any necessary public utilities located thereon or thereunder. If Lessor and Lessee agree in writing, Lessor shall have the reasonable right at the Lessor's convenience to relocate this existing roadway or otherwise change the location of the access to the Premises in connection with any development by Lessor of the parcel of property of which the Premises form a part so long as Lessee's rights of ingress and egress are not impaired.

19. Approvals.

(a) **Legislative Approval.** Pursuant to 5 GCA Section 6301(a), legislative approval is required for contracts or leases known to be in excess of five (5) years, inclusive of any extension, option or renew. Thus, if applicable law requires that this Lease be approved or confirmed by the Guam Legislature, Lessor shall submit this Lease for legislative approval and the parties shall cooperate in using their best efforts in good faith to obtain such approval. The term of this Lease (notwithstanding any other provisions herein contained) shall not be deemed to have commenced until such date as legislative approval, if any, is obtained. The expiration date of this Lease shall be a date thirty (30) years from the date of legislative approval.

(b) **Rights of Entry.** Lessee shall continue to have the right of access to and possession of the Premises on a month-to-month basis pending legislative approval of this Lease, if any.

20. Special Requirements.

(a) **Lessee to Remain a Not-For-Profit Organization.** During the entire term of this Lease, Lessee shall retain its legal structure as a not-for-profit organization and shall comply with all laws governing not-for-profit organizations, and shall on a yearly basis, submit to the

Lessor an audit annual report in the format normally required of not-for-profit organizations by the Department of Revenue and Taxation. See Paragraph 20(d).

(b) Membership and Fees. During the entire term of this Lease, Lessee shall keep membership open on a non-discriminatory basis to all members of the public. Lessee may not discriminate based upon race, age, gender, sex, national origin, language, ethnicity, or sexual orientation. Provided, however, that members may be required to pay non-discriminatory fees, assessments and dues, and adhere to such non-discriminatory rules and regulations as Lessee may adopt for the convenience of its members. Lessee may also adopt rules for safety or other bona fide purposes, and impose membership limitations based on the size of the Premises, safety, convenience, and capacity of the facilities.

(c) Public Access. During the term of the Lease, Lessee shall permit reasonable non-commercial pedestrian access by the public to the beach area within the Premises shown on Exhibit A (the beach area being defined as an area extending inward a distance on a horizontal plane of 10 meters from the mean high water mark), but Lessee may, as the party responsible for the Premises, regulate and condition such access upon compliance with such rules and regulations as Lessee may from time to time establish relating to safety, sanitary conditions, avoidance of nuisances, density, cleanliness, prior reservations or notice, pollution control, protection of property, environmental protection and compliance with Lessee's obligations under the Lease. Lessee may, subject to the granting of such permits as may be required by applicable law, develop the beach area and Premises and construct improvements thereon (such as, without limitation, boat launching ramps) and any public right of access to the beach area provided herein shall not extend to the use by the public of any of Lessee's improvements unless Lessee so consents. Members of the public having access to the beach area shall do so at their own risk, and in relation

thereto Lessee shall not be liable for injury to person or property except by reason of the direct negligence of Lessee. All rules and regulations established by the Lessee shall be subject to approval by the Board of Directors of the Port Authority of Guam and are not valid without prior Board approval.

(d) Lessee to Provide Audit Information. Lessee shall provide Lessor with such information as may be reasonably necessary for it to assure Lessor is faithfully complying with the provisions of this agreement, including but limited to proof of insurance and valid business license, and evidence of continued not-for-profit status, performance of primary Lease purpose, and compliance with the Special Requirements. Lessee is aware that Lessor is subject annually to its own examination by an independent auditor and that it is subject from time to time to examination by auditors employed by the Government of Guam, the Department of Interior, the Congress of the United States and other federal agencies. Lessee agrees to cooperate with such agencies by disclosing them to such date as they may reasonably require in connection with an examination of Lessor.

(e) Port Authority Oversight. The Board of Directors of the Port Authority of Guam shall exercise oversight of the activities of the Lessee to ensure that the terms, conditions and special requirements of this Lease Agreement are observed and performed by the Lessee. The Board of Directors of the Port Authority of Guam, may, in its sole discretion, designate a representative to act as an ex officio member of the Board of Directors of the Marianas Yacht Club for the purpose of coordinating Lessee's activities including, but not limited to, international yacht racing events, with the administration of the Port Authority. The Lessee shall, not less than ninety (90) days following the end of each calendar year of the leasehold term, submit a written report to the Board of Directors of the Port Authority of Guam outlining its compliance with the special

requirements of this Lease Agreement. The oversight authority provided by this paragraph shall include the responsibility for reviewing and approving the rules and regulations adopted by the Lessee in accordance with paragraph 20 (c), *supra*. In the event that the Board of Directors of the Port Authority of Guam determines that Lessee has defaulted in observance of performance of the special requirements contained in this Lease Agreement, Lessor's remedies shall be set forth in paragraph 14, of this Lease Agreement relating to Lessor's rights on default.

21. Interpretation. The language and all parts of this Lease shall be in all cases construed simply, according to its fair meaning, and not strictly for or against Lessor or Lessee. Captions in paragraph headings contained herein are for convenience and reference only, and shall not be deemed to limit or in any manner restrict the content of the paragraph to which they relate.

22. Binding Effect. This Lease and the terms, covenants, and conditions herein shall extend to and be binding upon the respective heirs, legal representatives, members, managers, employees, agents, officers, directors, parent entities, subsidiaries, beneficiaries, legal and personal representatives, trustees, transferees, foreclosure purchasers, successors, and assigns of the parties hereto, and to any other entity, person or persons claiming to hold or to exercise any interest by, under or through any of the parties hereto.

23. Notice. All notices to be given with respect to this Lease shall be in writing or by email. Each written notice shall be sent by registered or certified mail, postage prepaid and return receipt requested, to the party to be notified at such address as either party may from time to time designate in writing. Nothing contained herein shall be construed to preclude personal service of any notice in the manner prescribed for personal service of a summons or other legal process.

24. Entire Agreement. This Lease contains the entire agreement of the parties in respect to Lessee's tenancy, use and occupancy of the Premises, and no other agreement, statement, pertaining to the same shall be valid or of any force or effect. This Lease shall not be subject to modification except in writing, signed by the parties hereto.

SIGNATURE APPROVALS APPEAR ON NEXT PAGE

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the day and year first above written.

LESSOR:

LESSEE:

PORT AUTHORITY OF GUAM

THE MARIANAS YACHT CLUB

DOROTHY P. HARRIS
Acting Chairperson, Board of Directors

CATHERINE DENIGHT GAYLE
Commodore
Its Duly Authorized Representative

and

RORY J. RESPICIO
General Manager

APPROVED AS TO FORM:

JAMES L. CANTO II
Port Staff Attorney

APPROVED:

HONORABLE LOURDES A. LEON GUERRERO
Governor of Guam

BOARD OF DIRECTORS

*Dorothy P. Harris, Vice Chairperson
Dr. Judith P. Guthertz, Board Secretary
Conchita S.N. Taitano, Member*



Resolution No. 2023-01

RELATIVE TO APPROVING THE CREATION OF CHIEF FINANCIAL OFFICER POSITION IN THE CLASSIFIED SERVICE AS AUTHORIZED UNDER TITLE 4, GUAM CODE ANNOTATED, SECTIONS 6303(d) AND 6303.1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, Title 4, Guam Code Annotated, Section 6303(d) authorizes the General Manager to petition to the Board of Directors to create positions in the classified service; and

WHEREAS, on December 29, 2022, the General Manager petitioned the Board of Directors to create the Chief Financial Officer position in the classified service by providing its justification, essential details concerning the creation of the position, an analysis of similarities and differences between the position and positions listed pursuant to Title 4, Guam Code Annotated, Section 4101.1(d), and proposed pay grade and demonstration of compliance with Section 6301 of Title 4, and fiscal note as that term is described in Title 2, Guam Code Annotated, Section 9101 and any other pertinent information; and

WHEREAS, the Board of Directors at their regular meeting of December 29, 2022 authorized management to begin the creation process of the Chief Financial Officer; and

WHEREAS, to ensure transparency and disclosure is conducted on the creation of the Chief Financial Officer position and to comply with Title 4, Guam Code Annotated, Chapter 6, Section 6303.1, the creation of position documents were posted on the Port’s website, port employees were notified, and notification was also provided to electronic and written media outlets. The postings and notifications were provided on March 3, 2023 and deadline to submit comments was on March 22, 2023; and

WHEREAS, at the regular meeting of April 6, 2023, management re-submitted its petition to the Board of Directors advising them that the Port complied with the transparency process as mandated by Title 4, Guam Code Annotated, Section 6303.1; now therefore be it

RESOLVED, that the Board of Directors approves management’s petition to establish the creation of the Chief Financial Officer position at a Pay Grade P in the classified service and authorizes management to transmit copies of such petitions to the Director of Department of Administration and the Legislative Secretary of the 37th Guam Legislature as required under Title 4, Guam Code Annotated, Section 6303(d)(2); and be it further

RESOLVED, that the Chairperson certify to, and the Secretary attest to, the adoption hereof and that copies of the same be thereafter transmitted to the Director of Department of Administration and Legislative Secretary of the 37th Guam Legislature.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 6th DAY OF APRIL, 2023.

DOROTHY P. HARRIS
Acting Chairperson, Board of Directors
Port Authority of Guam

DR. JUDITH P. GUTHERTZ
Secretary, Board of Directors
Port Authority of Guam



BOARD OF DIRECTORS

*Dorothy P. Harris, Vice Chairperson
Dr. Judith P. Guthertz, Board Secretary
Conchita S.N. Taitano, Member*



Resolution No. 2023-02

**RELATIVE TO APPROVING THE CREATION OF GENERAL ADMINISTRATION
MANAGER POSITION IN THE CLASSIFIED SERVICE AS AUTHORIZED
UNDER TITLE 4, GUAM CODE ANNOTATED, SECTIONS 6303(d) AND 6303.1**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, Title 4, Guam Code Annotated, Section 6303(d) authorizes the General Manager to petition to the Board of Directors to create positions in the classified service; and

WHEREAS, on December 29, 2022, the General Manager petitioned the Board of Directors to create the General Administration Manager position in the classified service by providing its justification, essential details concerning the creation of the position, an analysis of similarities and differences between the position and positions listed pursuant to Title 4, Guam Code Annotated, Section 4101.1(d), and proposed pay grade and demonstration of compliance with Section 6301 of Title 4, and fiscal note as that term is described in Title 2, Guam Code Annotated, Section 9101 and any other pertinent information; and

WHEREAS, the Board of Directors at their regular meeting of December 29, 2022 authorized management to begin the creation process of the General Administration Manager; and

WHEREAS, to ensure transparency and disclosure is conducted on the creation of the General Administration Manager position and to comply with Title 4, Guam Code Annotated, Chapter 6, Section 6303.1, the creation of position documents were posted on the Port's website, port employees were notified, and notification was also provided to electronic and written media outlets. The postings and notifications were provided on March 3, 2023 and deadline to submit comments was on March 22, 2023; and

WHEREAS, at the regular meeting of April 6, 2023, management re-submitted its petition to the Board of Directors advising them that the Port complied with the transparency process as mandated by Title 4, Guam Code Annotated, Section 6303.1; now therefore be it

RESOLVED, that the Board of Directors approves management's petition to establish the creation of the General Administration Manager position at a Pay Grade M in the classified service and authorizes management to transmit copies of such petitions to the Director of Department of Administration and the Legislative Secretary of the 37th Guam Legislature as required under Title 4, Guam Code Annotated, Section 6303(d)(2); and be it further

RESOLVED, that the Chairperson certify to, and the Secretary attest to, the adoption hereof and that copies of the same be thereafter transmitted to the Director of Department of Administration and Legislative Secretary of the 37th Guam Legislature.

**PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF
DIRECTORS THIS 6th DAY OF APRIL, 2023.**

DOROTHY P. HARRIS
Acting Chairperson, Board of Directors
Port Authority of Guam

DR. JUDITH P. GUTHERTZ
Secretary, Board of Directors
Port Authority of Guam



BOARD OF DIRECTORS

*Dorothy P. Harris, Vice Chairperson
Dr. Judith P. Guthertz, Board Secretary
Conchita S.N. Taitano, Member*



Resolution No. 2023-03

RELATIVE TO RECOGNIZING GARY D. KUWABARA, FROM THE OFFICE OF LOCAL DEFENSE AND COMMUNITY COOPERATION, AND TO EXPRESS OUR SINCEREST *SI YU'OS MA'ASE* AND DEEPEST APPRECIATION FOR HIS PROFESSIONALISM AND INTELLIGENCE WHENEVER CARRYING OUT HIS DUTIES

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PORT AUTHORITY OF GUAM:

WHEREAS, U.S. Department of Defense Office of Local Defense Community Cooperation (OLDCC) assists local governments in planning and carrying out community adjustments and economic diversification in response to a proposed or actual realignment or closure of a military installation which may have a direct and significant adverse consequence on an affected community; and

WHEREAS, in 2006, the U.S. Department of Defense announced the relocation of Marines from Okinawa to Guam and such defense program change would have a major impact on the island and its only commercial seaport; and

WHEREAS, in 2007, Mr. Gary D. Kuwabara, was assigned to the Pacific Region as U.S. Department of Defense OLDCC Program Manager to work with the Government of Guam and provide technical assistance to enhance readiness and resilience of the military build-up; and

WHEREAS, through Mr. Kuwabara's technical assistance, the Port Authority of Guam was able to acquire since 2008 over \$ \$13,401,166.00 in grants from the Office of Economic Adjustment through the Office of the Governor to assist us in the development of the master plan and subsequent updates which provided the Port with a roadmap to address the future Port expansion and development based on organic growth as well as the military build-up; and

WHEREAS, Mr. Kuwabara retired with OLDCC on June 4, 2022 but continued to serve in as a senior project manager focused on the Territory of Guam and Commonwealth of the Northern Marianas Islands and Pacific Readiness/Pacific Deterrence Initiative Leader to the Director for a one-year period which will expire June 2023; and

WHEREAS, with his immeasurable display of dedication and commitment, Mr. Kuwabara forged a strong relationship between Federal Government and the Government of Guam and with his valuable assistance, support and guidance ensured the Port Authority of Guam would not be a choke-point for the military build-up; and

WHEREAS, Mr. Kuwabara through his close working relationship with the Port Authority of Guam, he dedicated his efforts to ensure Guam's only commercial seaport is developed and managed to adequately accommodate and capitalize on the rapid expansion expected to occur in the future; now therefore be it

RESOLVED, the Board of Directors on behalf of the employees and management of the Port Authority of Guam commend Mr. Gary D. Kuwabara for his service on Guam, and being a true friend to the people of Guam, especially to the Port Strong Family; and be it further

RESOLVED, the Chairperson certify to, and the Secretary attest to, the adoption hereof, and that copies of the same be thereafter be transmitted to Mr. Gary D. Kuwabara and OLDCC directors.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 6th DAY OF APRIL, 2023.


DOROTHY P. HARRIS
Acting Chairperson, Board of Directors
Port Authority of Guam


DR. JUDITH P. GUTHERTZ
Secretary, Board of Directors
Port Authority of Guam



BOARD OF DIRECTORS

*Dorothy P. Harris, Vice Chairperson
Dr. Judith P. Guthertz, Board Secretary
Conchita S.N. Taitano, Member*



Resolution No. 2023-04

RELATIVE TO AFFIRMING THAT THE ATTACHED DOCUMENT ENTITLED, “THE 2023 MASTER PLAN FOR THE JOSE D. LEON GUERRERO COMMERCIAL PORT OF GUAM,” SHALL BE THE VERSION THAT WILL BE PUT FORTH PUBLICLY AND ADVANCED THEREAFTER TO THE GOVERNOR THROUGH THE BUREAU OF STATISTICS AND PLANS AND THE GUAM LEGISLATURE PURSUANT TO SECTIONS 1205 AND 1206, ARTICLE 2, CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED

BE IT RESOLVED BY BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT:

WHEREAS, the Port Authority of Guam (Port) was established as a public corporation and autonomous government agency on October 31, 1975 through Public Law 13-87; and

WHEREAS, the Port is charged with the responsibility of providing for the needs of ocean commerce, shipping, recreational and commercial boating, and navigation within the Territory and its waters; and

WHEREAS, with the anticipated military build-up, the Port is vested with the responsibility of overseeing the development of its assets and the implementation of policies and strategies to facilitate a smooth transition to the new population base; and

WHEREAS, additionally, to provide continued support for the diversification of Guam’s economy and positioning the island to participate in the growth of seaborne commerce and international trade that is expected to occur in the new millennium; and

WHEREAS, in October 2022, the Port contracted the consulting services of WSP as its Owner/Agent Engineer (OAE) to update the 2013 Port Master Plan funded through a grant from the Office of Local Defense Community Cooperation (OLDCC); and

WHEREAS, the finalization of the updated Master Plan is a momentous occasion and marks a significant continuation in the Port’s efforts in modernizing its infrastructure into a first-class facility in the region and providing cargo handling services in a safe, efficient and sustainable manner; and

WHEREAS, the fine efforts and hard work of all who contributed to the update of the Port Master Plan are appreciated and acknowledged, with special thanks for the collaborative efforts of the Port staff and WSP, including OLDCC; now therefore be it

RESOLVED, the Board of Directors affirms that the attached document entitled, “The 2023 Master Plan for the Jose D. Leon Guerrero Commercial Port of Guam” shall be the version that will be put forth publicly and advanced thereafter to the Governor through the Bureau of Statistics and Plans and the Guam Legislature pursuant to Sections 1205 and 1206, Article 2, Chapter 1 of Title 5, Guam Code Annotated; and be it further

RESOLVED, the Chairperson certify to, and the Secretary attest to, the adoption hereof, and that a copy of this resolution be transmitted to the Honorable Governor of Guam, Port Oversight Chair of the 37th Guam Legislature and Secretary of the U.S. Navy.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 6th DAY OF APRIL, 2023.

DOROTHY P. HARRIS
Acting Chairperson, Board of Directors
Port Authority of Guam

DR. JUDITH P. GUTHERTZ
Secretary, Board of Directors
Port Authority of Guam



Port Authority of Guam

2023 Master Plan Presentation

PAG Board of Directors
Regular Board Meeting
April 6, 2023



Purpose and Goals

● Purpose

- The purpose of the 2023 Port of Guam Master Plan is to assist the PAG define its near-term and long-term approach to improving the port by maintaining fiscally sustainable operations, and promoting increased awareness and consensus on its approach among all affected stakeholders and the rate payers of Guam.

● Goals

- Provide a comprehensive overview of the Port's current conditions including governance, financial, operational, and physical attributes;
- Assess the current and projected cargo opportunities based on Guam's market drivers, which consist of military realignments, tourism, transshipment and organic growth;
- Determine near-term resiliency improvements and operational adjustments to accommodate the peak of the military build-up, support Indo-Pacific Command's Pacific Deterrence initiative (PDI) and ensure maritime posture for future deployments of military assets;

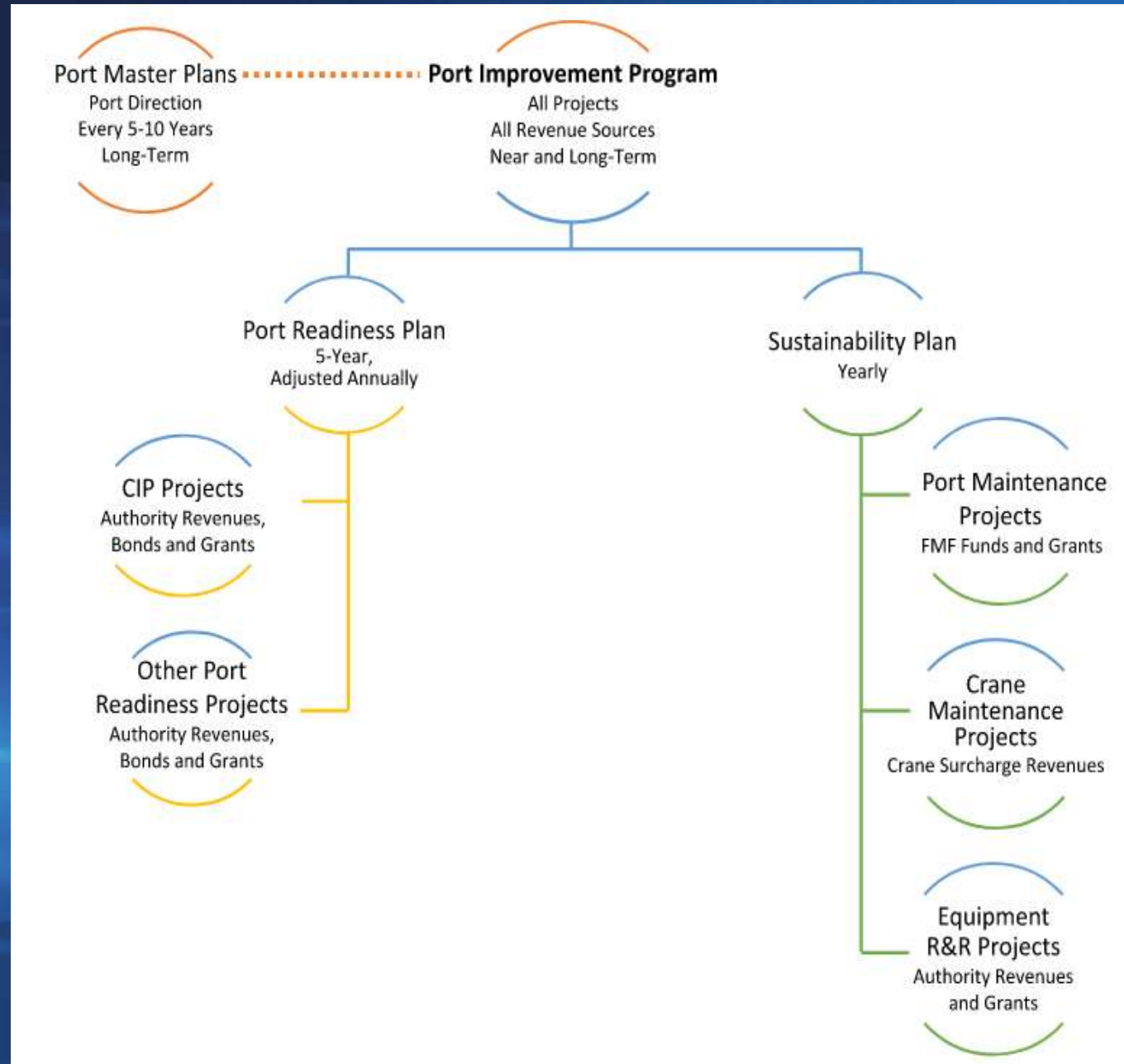
Purpose and Goals

● Goals Continued

- Estimate the Port's capacity and ability to meet the projected demand and tenant requirements;
- Identify long-term port improvement efforts targeted towards continuing operational and economic sustainability;
- Establish optimal requirements for operations, maintenance and repair, and capital improvement projects;
- Validate the efficient and effective use of the Port's resources and assets;
- Present commercial strategies for PAG to diversify its revenue base and enhance its financial self-sufficiency including a comprehensive tariff simplification and associated benefits to the PAG and port users;
- Assess the impact of the recommended strategies on Guam's economic conditions; and
- Prepare an implementation programs to support a coordinated approach of continuous Port improvements balanced with sustainability.

MP Accomplishments

- 2007 (Initial Master Plan)
 - Military Buildup Driven PMP
- 2013 (Master Plan Update)
 - Military Buildup Update
- 2023 Master Plan
 - PMP to PIP
 - Near-term focus with Long-term goals
 - Resiliency/Readiness
 - Crane Replacement
 - Infrastructure Hardening
 - Equipment R&R
 - TOS/IT Improvements
 - Sustainability



Modernization Program – Build Back Better

- Repair and Improve Existing Infrastructure to Increase Resiliency
 - Wharves
 - Fuel Piers
 - Marinas
 - Buildings
 - Utilities
 - Pavement
- Equipment Needs
 - STS Container Cranes
 - Top Picks
 - Tractors
 - Forklifts
 - Reefer Generators/Outlets

Guam Customs Inspection Facility



Final Approved Layout

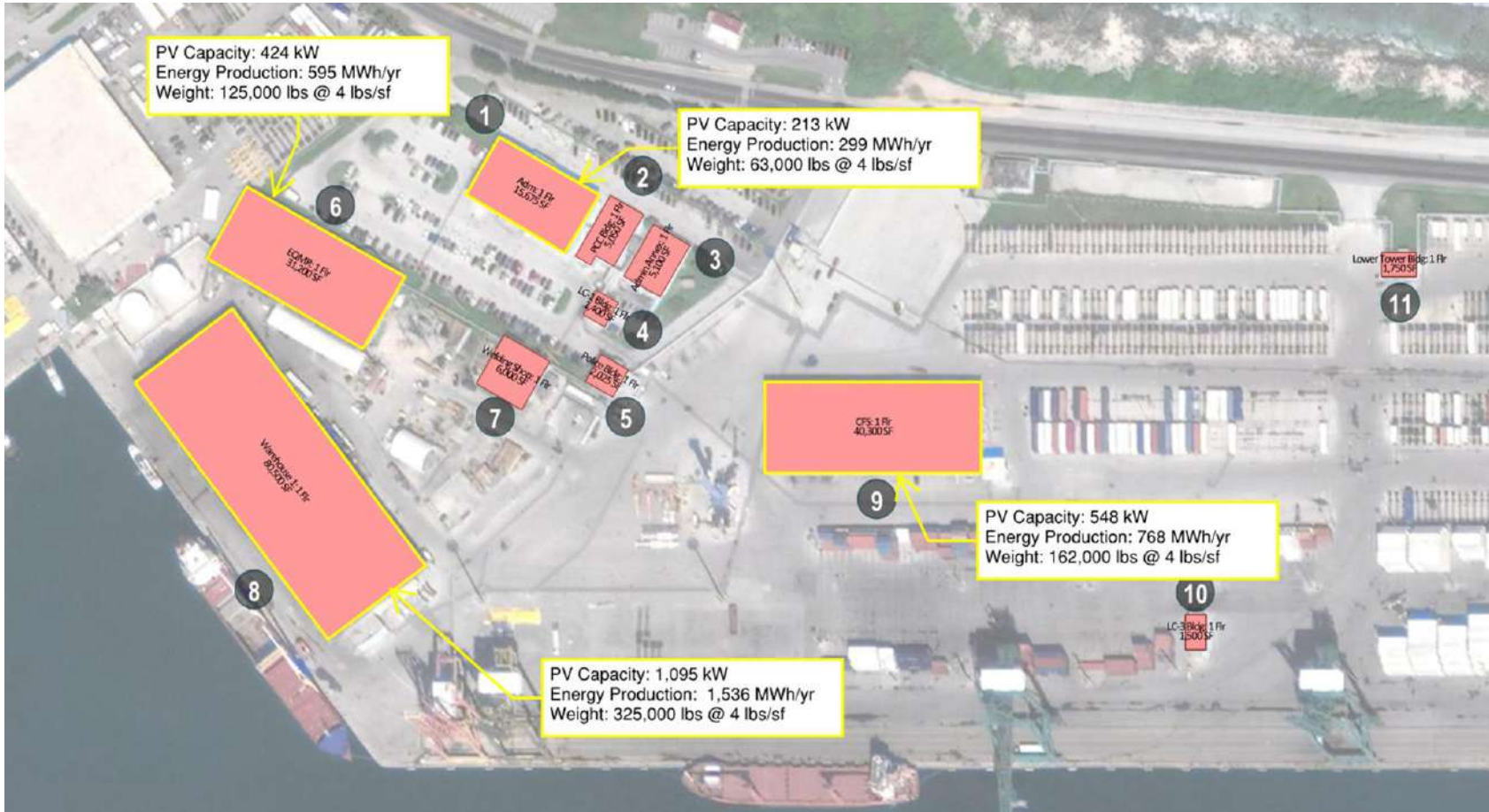


Scanning & Visual Inspection

Customs Cargo Management system →



Solar Power Study



Building Rooftops

Solar Power Opportunity

- Can offset over 90% of annual power consumption
- GPA Net-Metering program only allows for 100kW per meter
- GPA may consider a partnership arrangement to develop, procure, install, and maintain PV systems with the Port

Tariff Simplification

The PAG's tariff will be restructured to be:

Revenue Neutral	Ensure the revisions will result in neither a material increase nor decrease in Port revenues
User-friendly	Present schedule of rates table in front of tariff to allow customers to quickly and easily calculate fees
Transparent	Itemize details, rules and regulations associated with combined rates via hyperlink in latter sections of tariff
Streamlined	Consolidate charges to align with all-inclusive port services and performance reports
Modernized	Support the integration of the Port's NAVIS Terminal Operating System and JDE Financial System
Time-saving	Minimize/eliminate manual data entry of charges and provide invoices to users expeditiously
Cost-effective	Reduce administrative costs, manual entry errors, disputes, and delayed payments

- Reorganize tariff for clarity
- Provide summary tables of charges at front of tariff
- Determine flat rates for certain itemized items while maintaining revenue neutrality
- Reviewing changes with carriers to incorporate any feedback

Information Technology (IT) Study

- Infrastructure
 - Network, Server, Wireless, IP Management
- Cyber Security
 - Investigate weak points
 - Network hardening
 - Develop Cyber Security Roadmap
- TOS Upgrade
 - Identify features not being used (current TOS)
 - Evaluate TOS options
 - Establish decision criteria
 - Develop TOS Roadmap
- Study Team
 - PAG-IT
 - RVE Management
 - Ledge Light Technologies (LLT)
 - Cargo Velocity



PUGG Initiative for System Integration

PORT COMMUNITY SYSTEM (PCS):

Long term goal to share digital data in a secure manner

CUSTOMS:

From paper to paperless

Freight Forwarder:

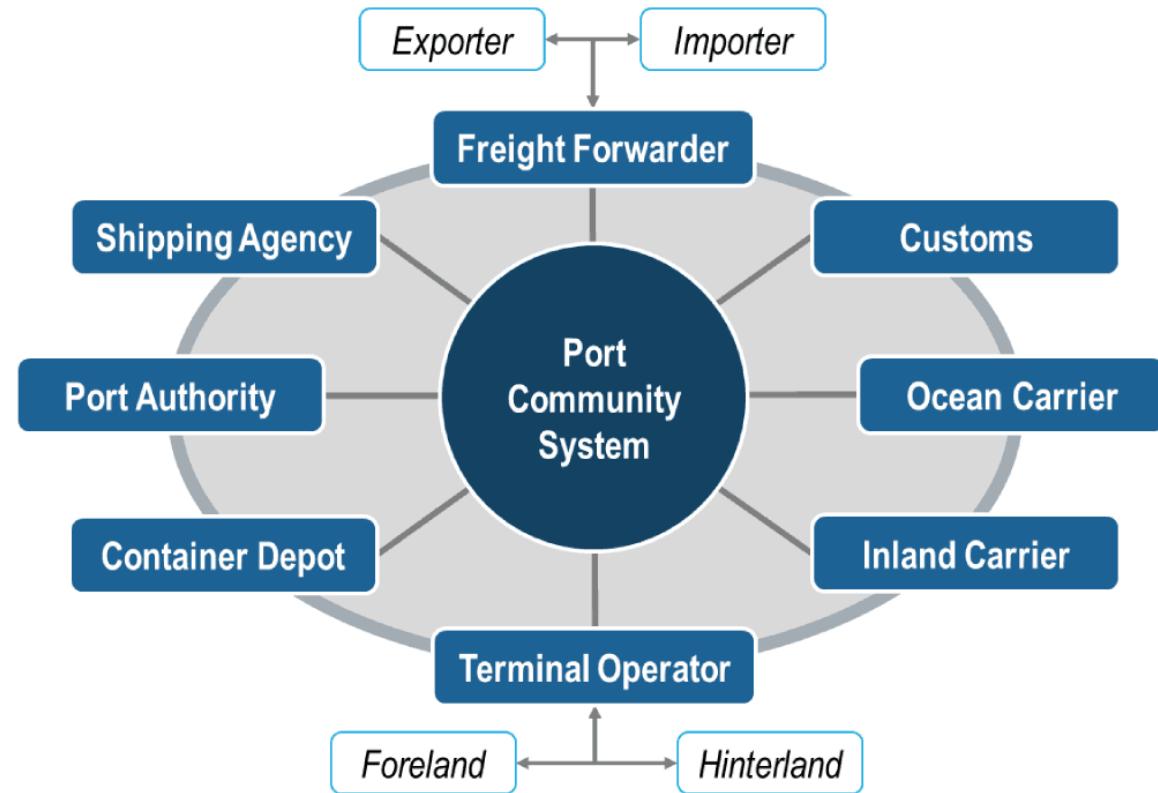
From paper to paperless

Agents, consignee's:

From paper to paperless

Shipping Lines:

Full digitized information transfers



All partners in the Port community have to invest in modernizing, digitizing their internal systems and upgrading their standard operating procedures.

Port Assets and Resources – Apra Harbor



Port Assets and Resources - Marinas

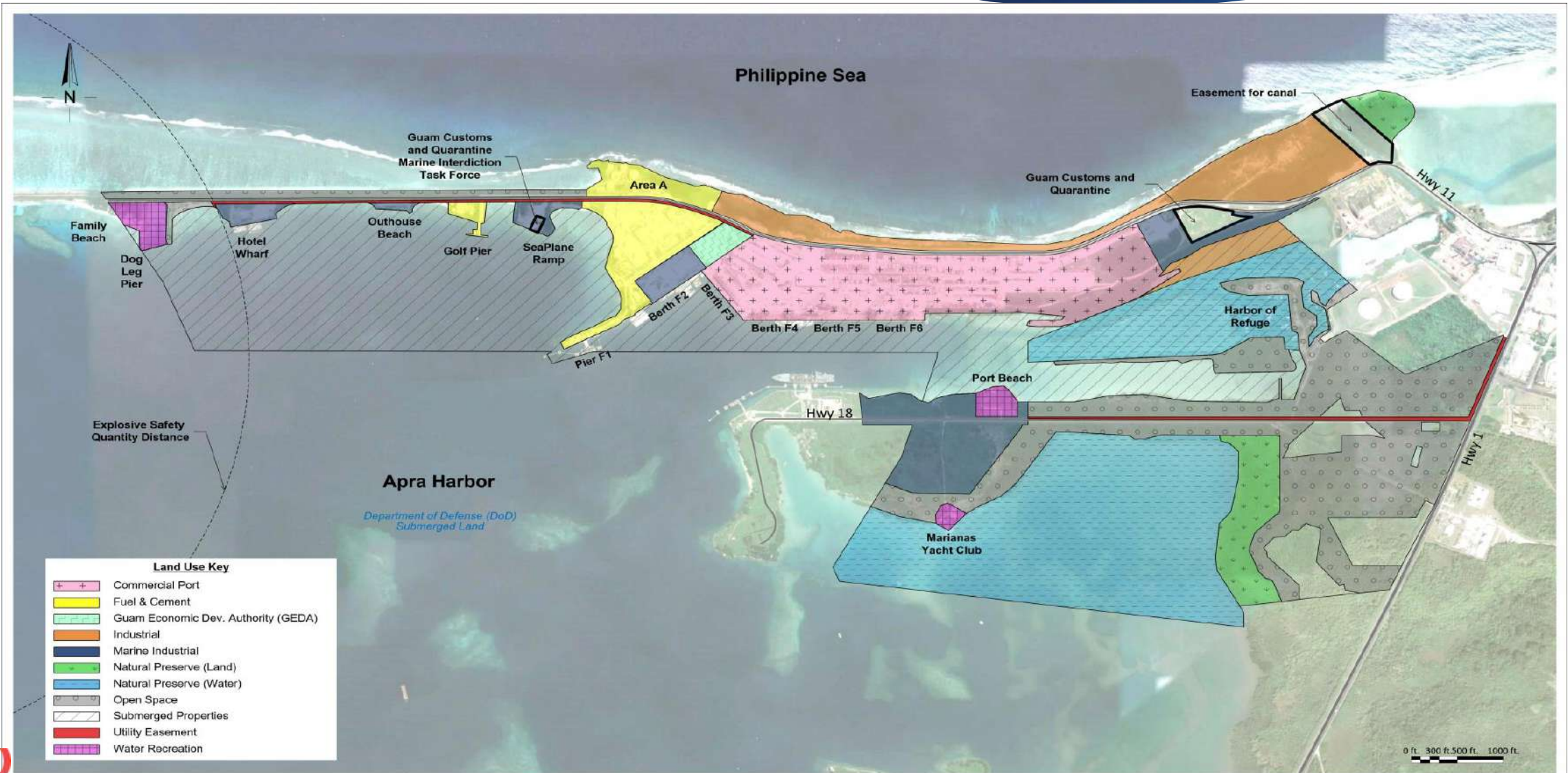
Agat Small Boat Marina



Gregorio D. Perez Marina



Port Assets and Resources – Land Use Designations



Facility Assessments – Marine Structures (Com Port & MI)



Facility Assessments – Marine Structures (Glass Breakwater)



Facility Assessments – Marine Structures (Marinas)



Good
Satisfactory
Fair
Poor
Serious
Critical

Facility Assessments – Upland Buildings



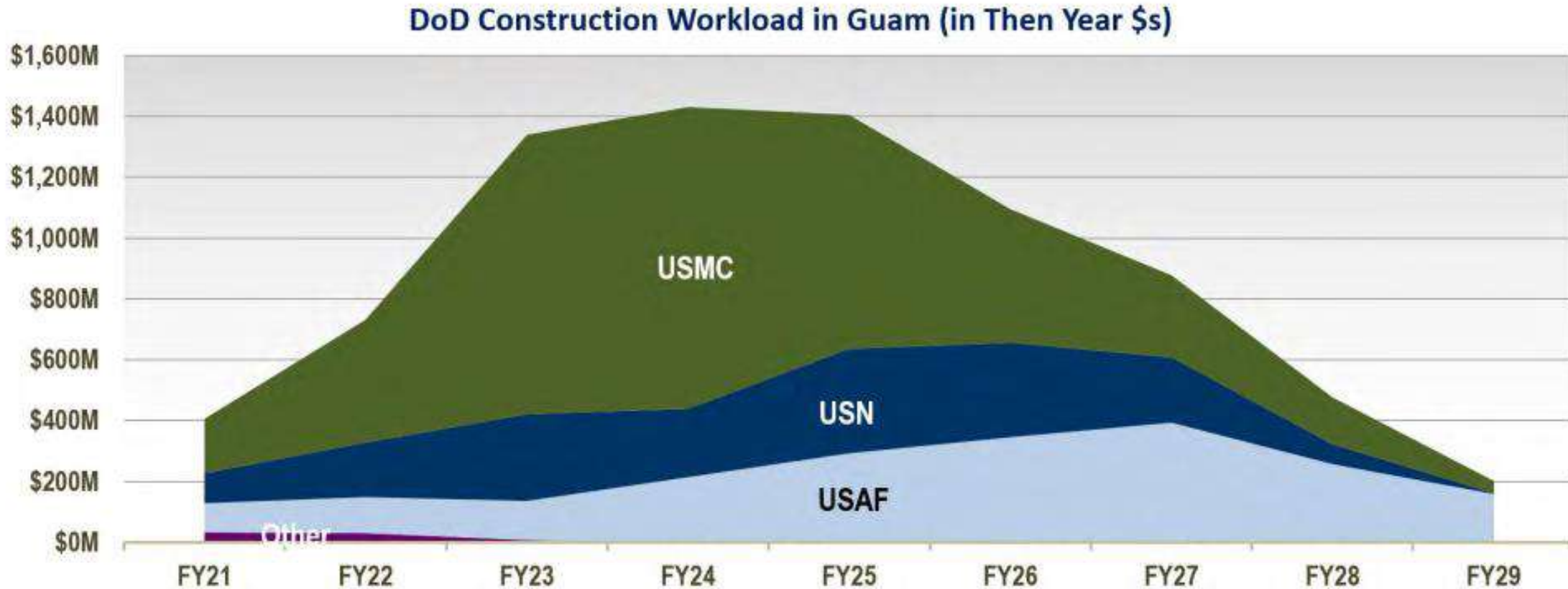
Excellent
Good
Fair
Marginal
Poor

Forecast Overview

FORECAST	BASIS	CARGOS
1. Organic	Historical analysis - Cannot separate effects of local, tourism, military, and construction	1. Containers 2. Bulk 3. Ro-Ro 4. Liquid bulk
2. Transshipment	Highly variable based on carrier decisions	
3. Military Buildup	- 2008 forecast adjusted for inflation and current NAVFAC projections - Peak characteristics - Historical data inconsistent	
4. Steady State Post Buildup	Population and activity increase with larger military presence	
Total Throughput: Forecasts 1 to 4 combined	High: Tourism recovers, strong military peak, 50% transshipment returns	
	Base: 50% increase due to offsetting factors, 25% transshipment returns	
	Low: Offsetting factors limit growth to historical percentages	

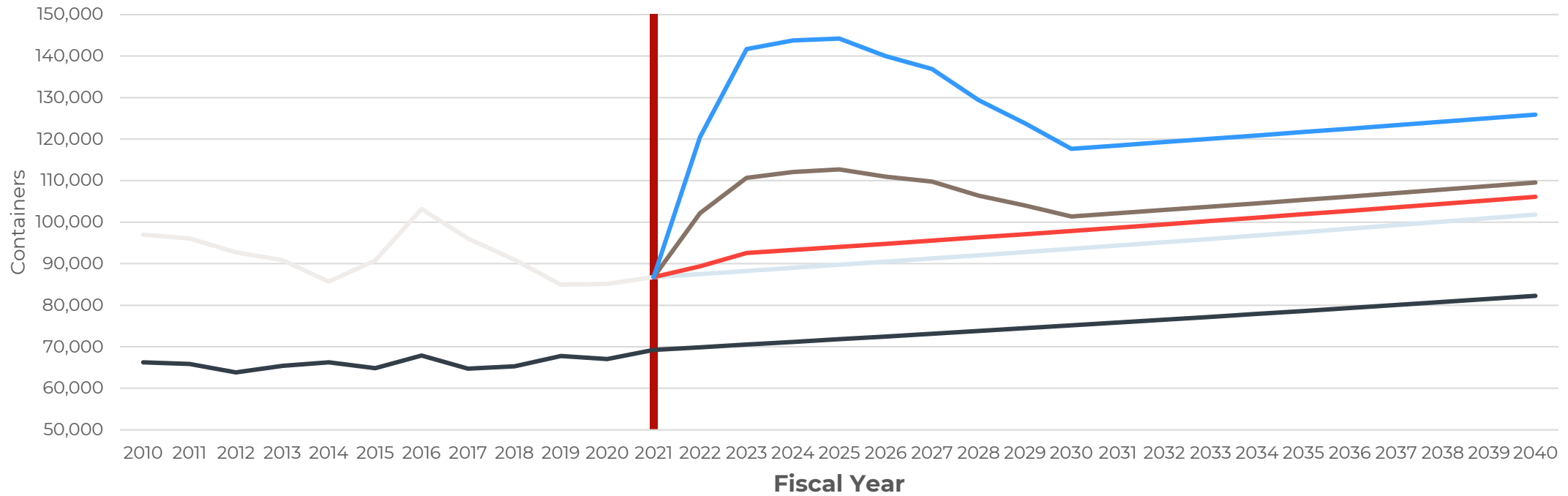
Market Analysis and Cargo Demand

- Military Building Construction Spending Profile



Market Analysis and Cargo Demand

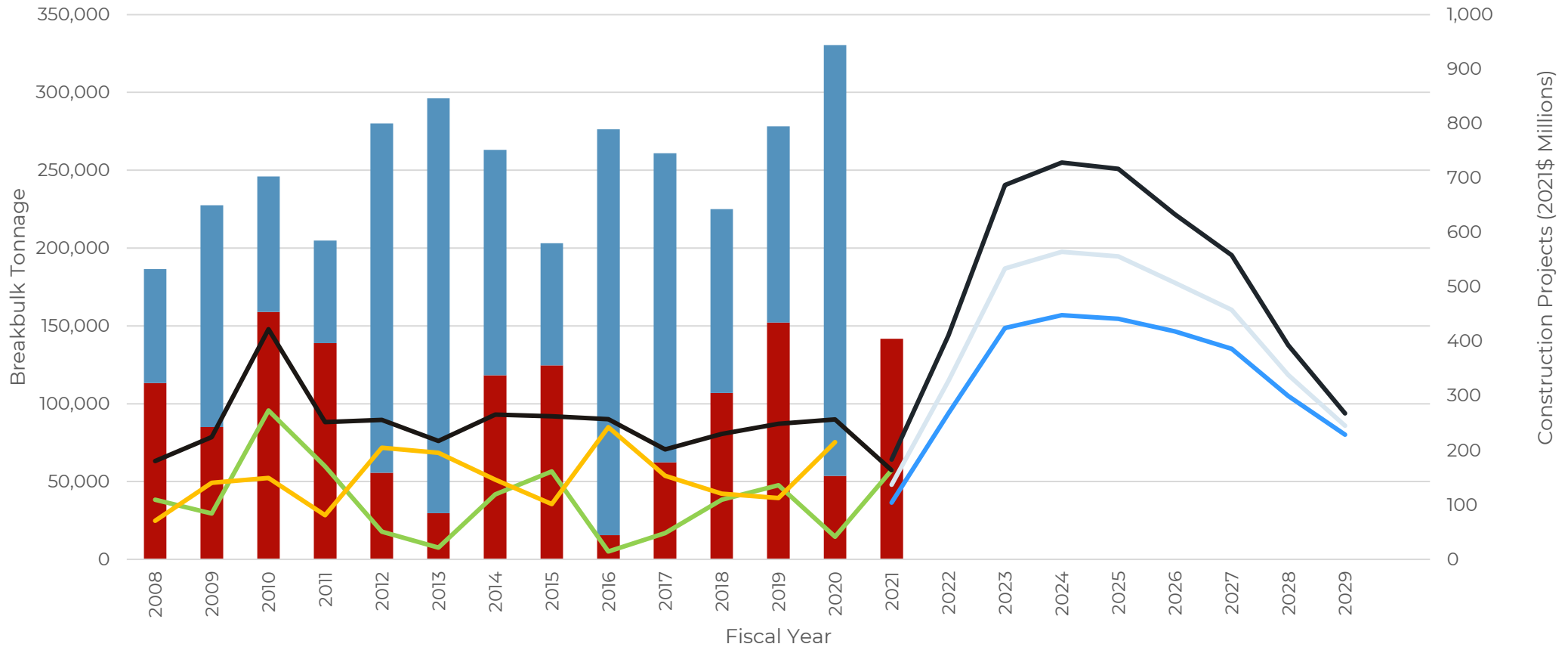
Container Forecast



- Organic
- Total Containers
- Low (No Buildup)
- 25% Transshipment Rebound & Governor's Value Add Initiative
- Base (25% Increased T/S + 50% Buildup)

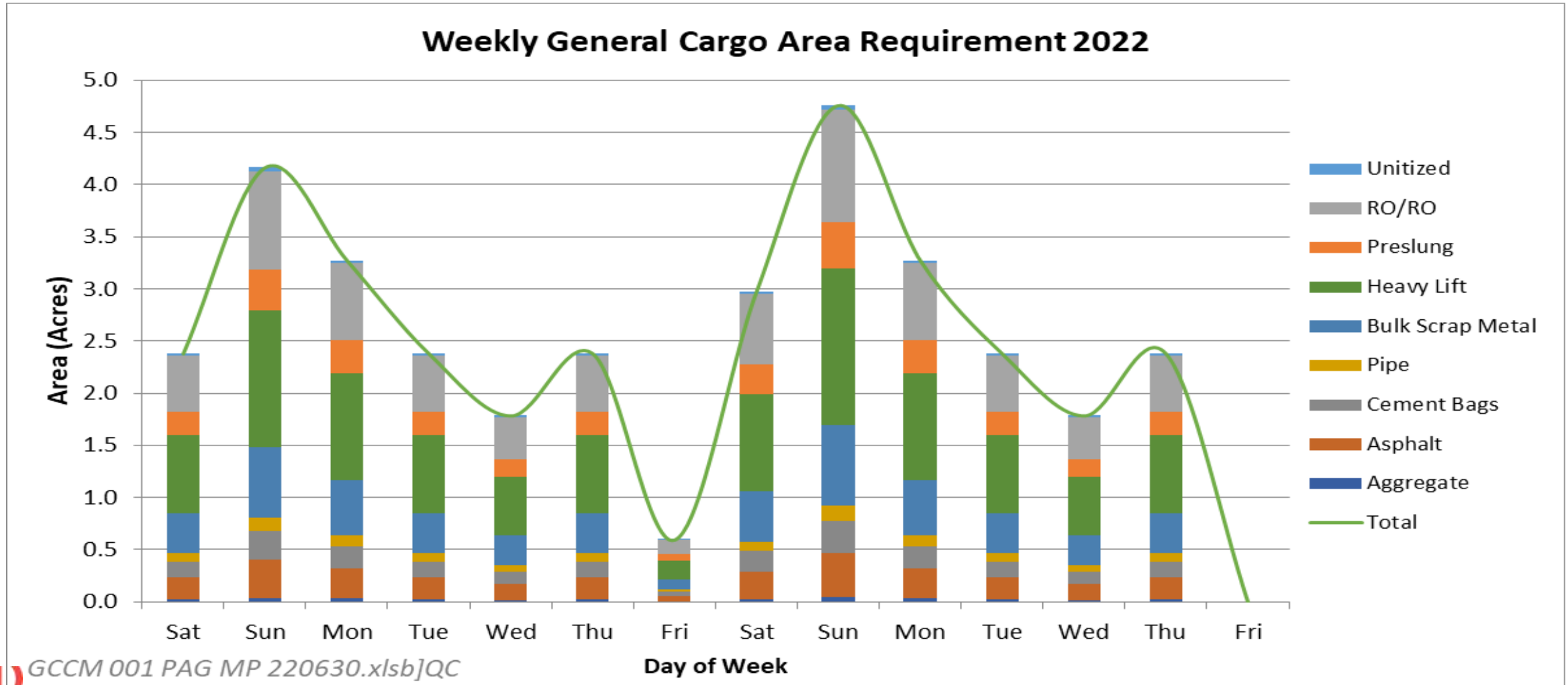
Market Analysis and Cargo Demand

● Breakbulk History and Forecast



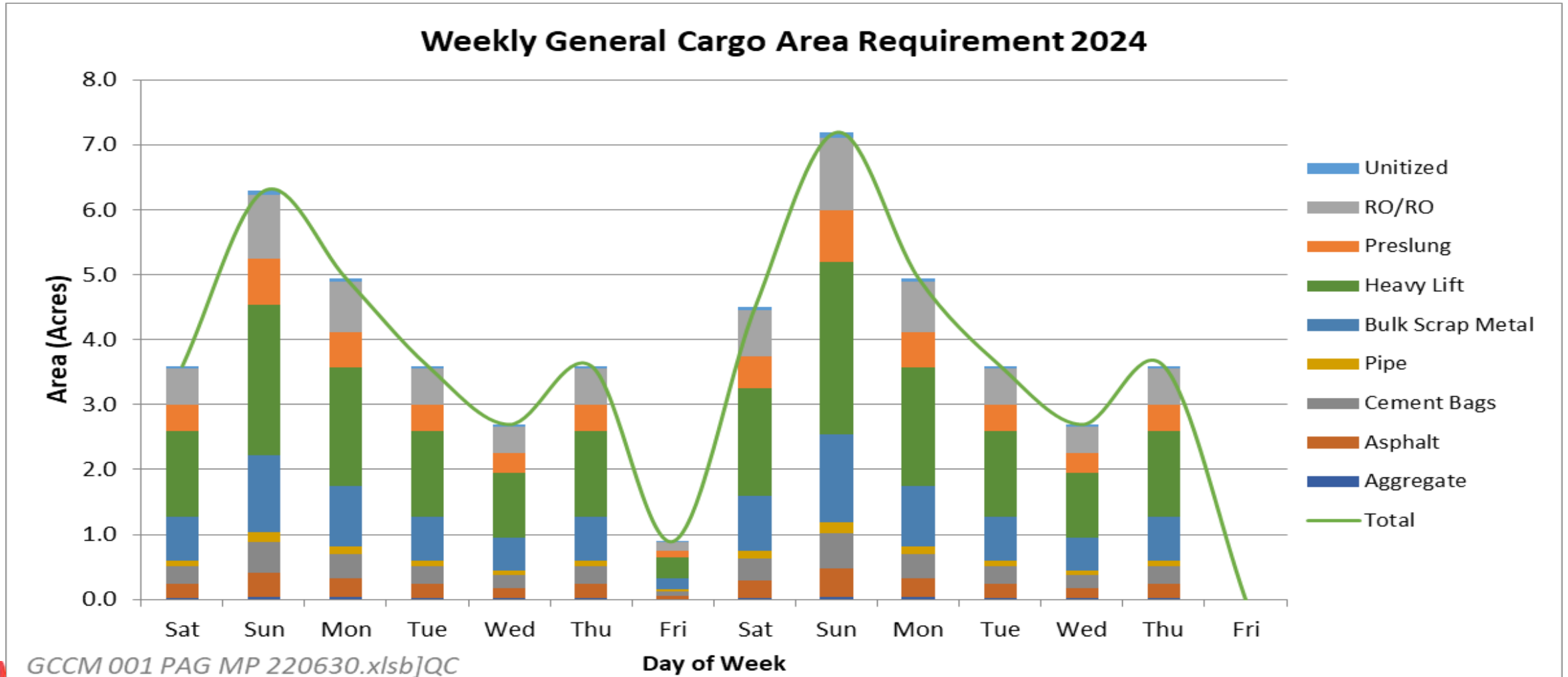
Market Analysis and Cargo Demand

2022 Weekly General Cargo Area Requirement



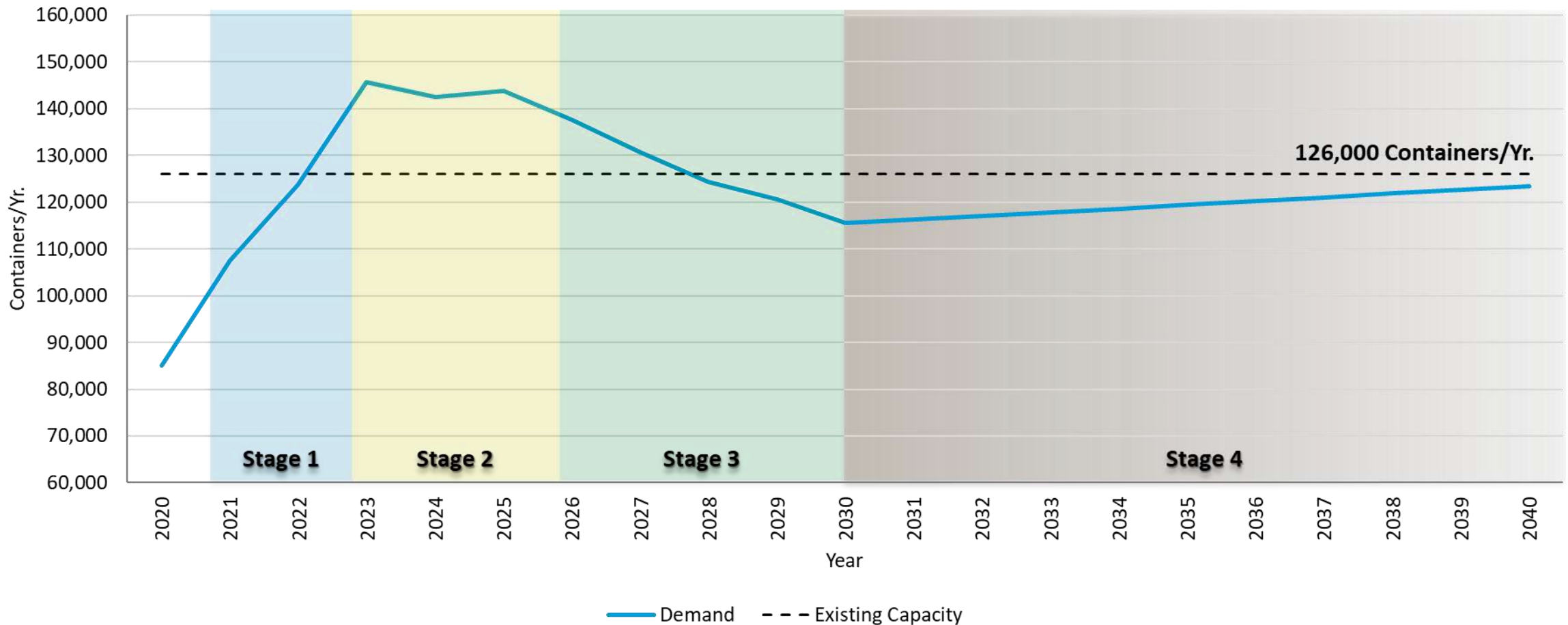
Market Analysis and Cargo Demand

2024 Weekly General Cargo Storage Requirement



Market Analysis and Cargo Demand

Current Container Capacity and High Demand



Existing to Build-up to Organic

- Five layouts including existing
- Plan numbering
 - A10 – Existing
 - A11 – Ramp up (ground containers + additional general cargo area)
 - A12 – Build-up (ground more containers, same general cargo area)
 - A13 – Ramp down (less grounding, small general cargo area)
 - A14 – Organic (back to existing conditions)

Parameters	Existing	Ramp Up	Full Build-up	Ramp Down	Organic
Layout Number	A10	A11	A12	A13	A14
T'put Capacity (Lifts/Yr.)	126,000	137,000	149,000	137,000	126,000
Slot Availability (TGS)	1,920	2,001	2,114	2,022	1,942
Containers Stacked (%)	46%	70%	78%	65%	46%
General Cargo Area (Acres)	5.9	9.8	9.8	8.4	6.1

Cargo Terminal Phasing

Ramp Up (A11)



Build Up (A12)



Ramp Down (A13)



Organic (A14)



Capital Plan

2022 - 2032

Capital Plan 2022 Through 2032 (\$000,000s)

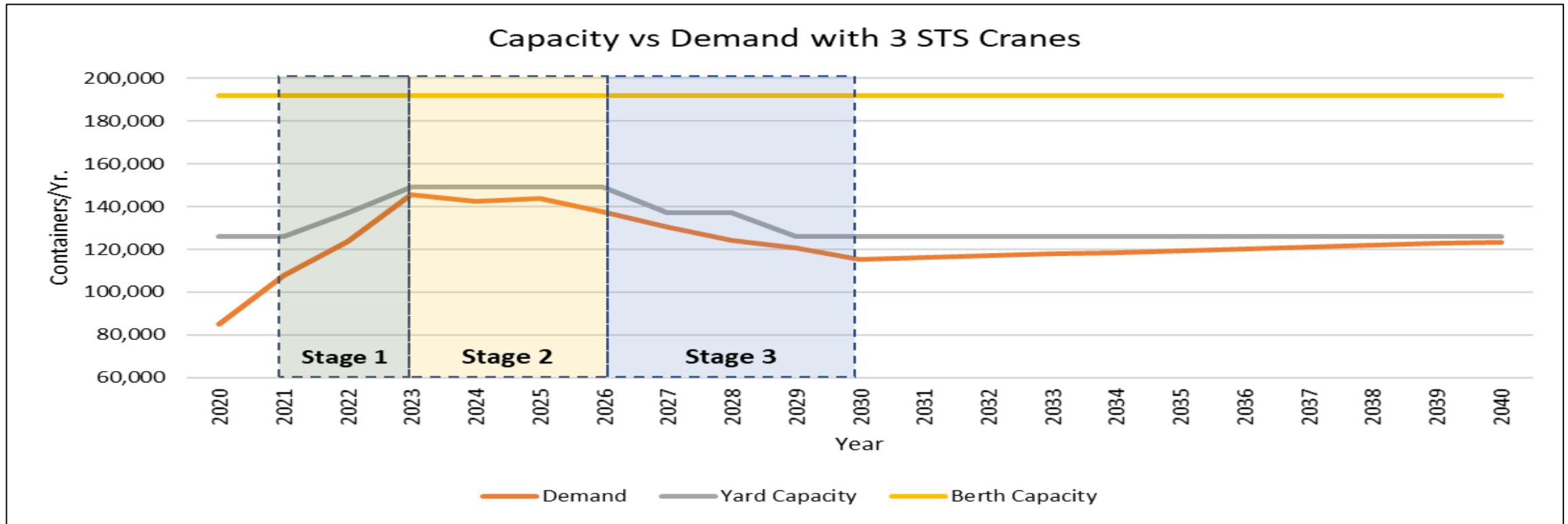
PIP ITEM	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	TOTAL
CIP	\$2.6	\$7.3	\$35.2	\$49.9	\$9.8	\$69.4	\$9.4	\$8.0	\$0.0	\$0.0	\$0.0	\$191.6
PRP	\$0.0	\$0.0	\$23.5	\$56.3	\$64.8	\$44.5	\$40.0	\$45.5	\$184.5	\$15.0	\$15.0	\$489.1
SUST	\$2.4	\$4.6	\$4.1	\$0.4	\$0.4	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$11.9
TOTAL	\$5.0	\$11.9	\$62.8	\$106.6	\$75.0	\$113.9	\$49.4	\$53.5	\$184.5	\$15.0	\$15.0	\$692.6

Projected Direct & Indirect Jobs Through 2032

JOBS	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY31	TOTAL
Direct	28	52	296	464	301	611	213	265	1,036	84	84	3,435
Indirect Induced	10	19	105	165	107	217	76	94	369	30	30	1,222
Total Jobs	39	71	402	629	408	828	289	359	1,405	114	114	4,657

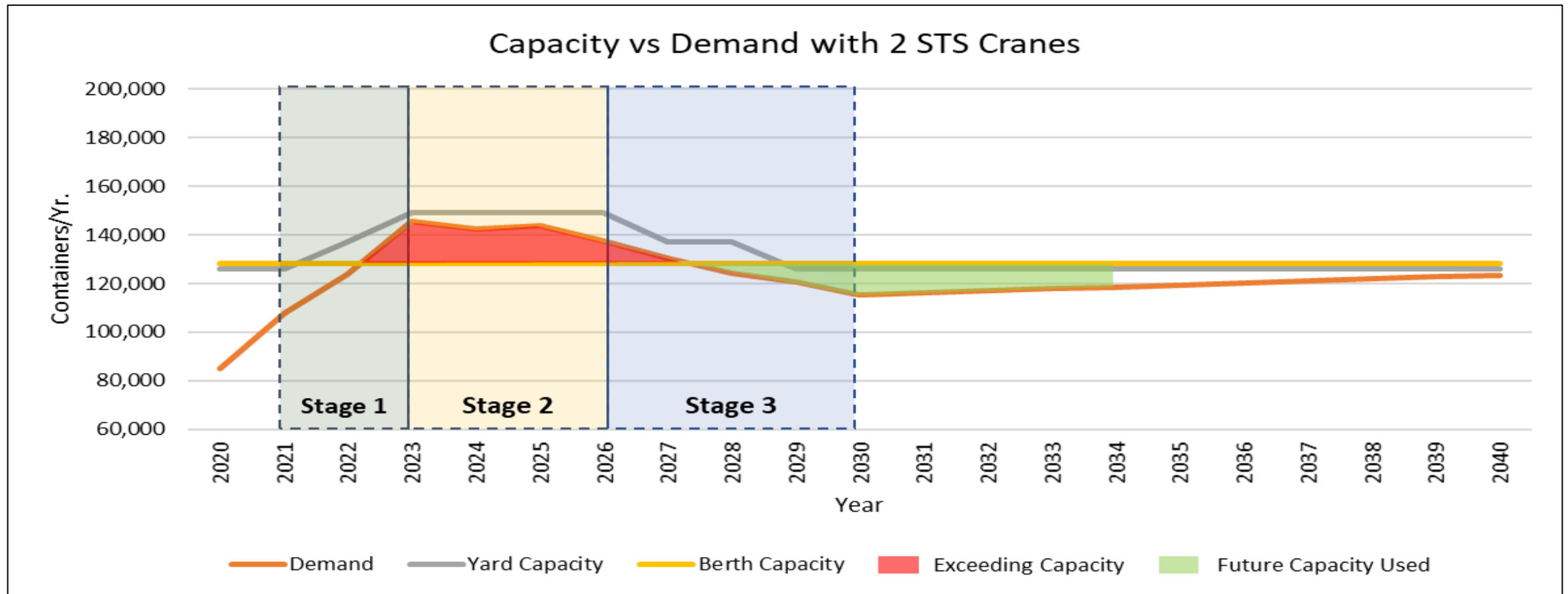
STS Crane Replacement Importance

- Existing 3 Cranes
 - Meets forecasted demand



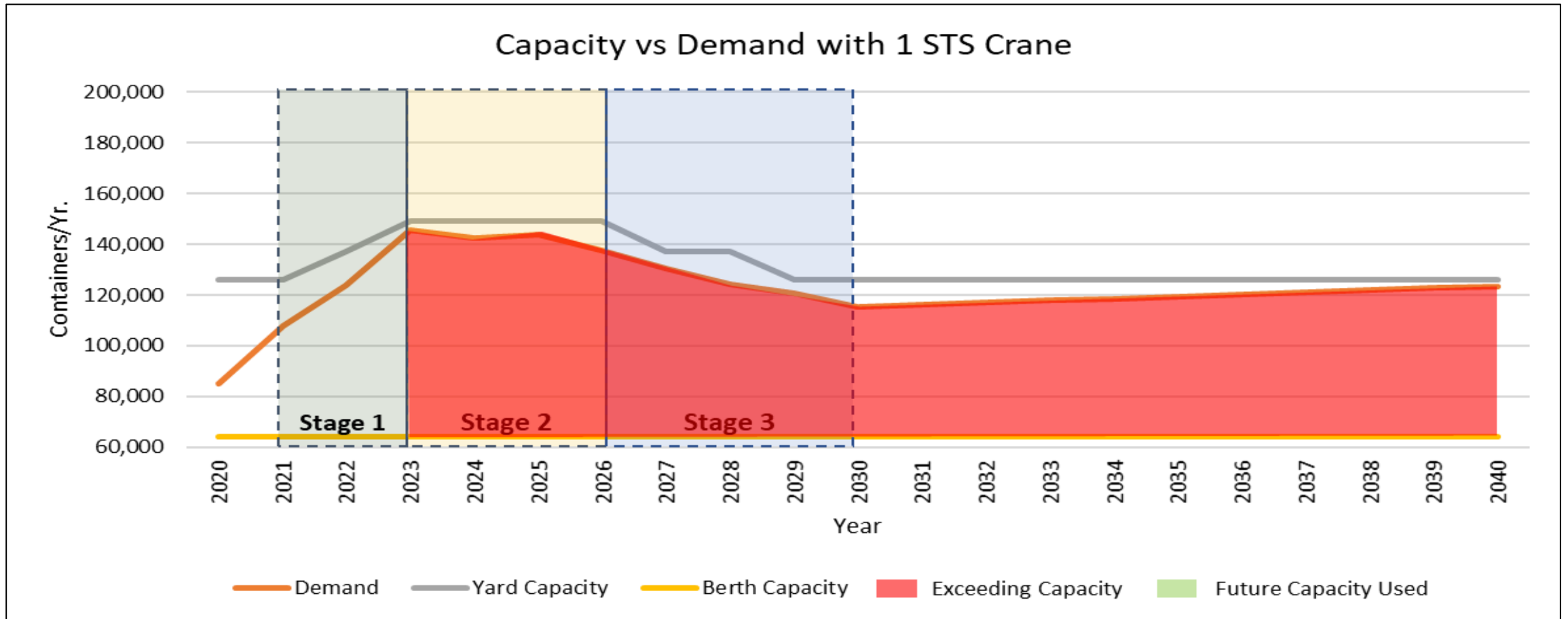
STS Crane Replacement Importance

- 1 Crane out of service
 - DoD build-up delayed up-to 4 years



STS Crane Replacement Importance

- 2 Cranes out of service
 - Does not meet commercial demand or DoD mission



Port Improvement Plan – Capital Improvement Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1	Installation of Canopy Fronting Building Maintenance Bay	Port		CPLT								
2	Devanning Concrete Ramp	Port		CPLT								
3	LC3 Genset + Tank + AST + Slab Extension	PSGP/Port		CPLT								
4	Agat Small Boat Marina Design Build Bathroom and Showers	Port		50%	50%							
5	Golf Pier Replacement	Bonds/ Grants							100%			
6	Enterprise One Financial Management System	Bonds			100%							
7	Replacement of (3) Metal Gate Booths	Port		100%								
8	STS Crane Demolition Project	Port		50%	25%	25%						
9	Waterline Replacement	Bonds		10%	50%	40%						
10	Welding Shop – Phases 1 and 2	OIA/Port			50%	50%						

Port Improvement Plan – Capital Improvement Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
11	Radar Intrusion and Vessel Tracking System	PSGP/Port			100%							
12	Rehabilitation of Hotel Wharf and Access Road	Bonds/ MARAD/ Port					40%	60%				
13	Lighting: Replace all Fluorescent Lights in All Buildings with LED Lights	Port			50%	50%						
14	Gate Operating System	Grants/Port						100%				
15	Inbound/Outbound OCR Portals	Grants/Port					40%	60%				
16	Northside Catwalk for the Agat Small Boat Marina Boat Ramp	Grants/Port			50%	50%						
17	OWS at Berth F2	Port				50%	50%					
18	PUGG Secured Digital Framework	Grants/Port				50%	50%					

Port Improvement Plan – Capital Improvement Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
19	Various IT Projects (WiFi, RRM, VMT)	Grants/Port				50%	50%					
20	Various Yard Equipment	Grants/Port				20%	20%	20%	20%	20%		
21	Installation of Pavilion and New Restrooms at Port Beach	Port					50%	50%				
22	Gregorio D. Perez Marina Renovation and Rehabilitation	Grants/Port					20%	20%	20%	20%	20%	
23	Agat Small Boat Marina Renovation and Rehabilitation	Grants/Port					20%	20%	20%	20%	20%	
24	WH-1 Building Repair/Upgrade	Bonds			20%	80%						

Total Estimated Cost = \$191,554,000

Port Improvement Plan – Other Port Readiness Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE										
			2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
1	Purchase Container Handling Equipment	Grants/Port		20%	20%	20%	20%	20%					
2	TOS Upgrade	Grants/Port		50%	25%	25%							
3	Fuel Connectivity Pipeline (F1 to Golf Pier)	Grants/Port		50%	50%								
4	Two New STS Gantry Cranes	Grants/ Loans/Port			50%	50%							
5	One New STS Gantry Crane	Grants/ Loans/Port						50%	50%				
6	Wharf SLE Berths F2-F6	Grants/Port		50%	25%	25%							
7	Cyber Security Initiative	Grants/Port			50%	50%							
8	F4 to F6 Ground Improvements	Grants/Port			50%	25%	25%						

Port Improvement Plan – Other Port Readiness Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
9	Redevelopment of Area A	Grants/Port			20%	40%	40%					
10	Pier F1 Renovation/Reconstruction	Grants/Port							50%	50%		
11	Dredging (Hotel Wharf, Fuel Piers, etc.)	Grants/Port								100%		
12	Solar Energy Project	Grants/Port			25%	50%	25%					
13	Berth F3/F4/F6 Wharf Renovation/Reconstruction	Grants/Port						10%	10%	30%	25%	25%
14	Admin Bldg. Annex	Port/Loans					20%	30%	30%	20%		
15	Container Yard Repavement Projects	Grants/Port				20%	60%	20%				
16	Building Demolition	Grants/Port										

Total Estimated Cost = \$489,000,000

Port Improvement Plan – Sustainability/Maintenance Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1	Repair All Concrete Spalling at CFS Building				100%							
2	OAE Services	OLDCC			50%	50%						
3	Annual Maintenance of Mobil Pipeline and Golf Pier Maintenance	Port										
4	EQMR Building Repair/Upgrade	Bonds			50%	50%						
5	Golf Pier Concrete Slab Repair & 3 Motorized Valves	Grants/Port				50%	50%					
6	Gregorio D. Perez Marina Clean Existing OWS and Retrofit Check Valves					100%						
7	Harbor Master Misc. Roof Related Items	Port		100%								
8	Installation of 2 Gates at Dock A and Dock B. Dry Dock Repair at Perez Marina	Port		100%								
9	Replacement of 125 Reefer Outlet Receptacles	Port				100%						

Port Improvement Plan – Sustainability/Maintenance Projects

ID NO.	PROJECT TITLE/DESCRIPTION	FUNDING AUTHORITY	SCHEDULE									
			2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
10	Service the ICCP System at Berth F5											
11	Supply and Install Fendering System at F3-F6	HMGP/Port			90%	10%						
12	Agat Small Boat Marina Dock B Replacement	DOI/USFW/DAWR/USDA			40%	60%						
13	Broken Grating Drainage Replacement	Port										
14	Electrical Work for 61 Reefer Outlets	Port			20%	80%						
15	Harbor of Refuge Renovations and Repair Phase 2-5	Grants/Port			60%	40%						
16	Storm Drain Channel Repairs	Port										
17	WH-1 Hardening	HMGP/Port			90%	10%						
18	Harbor of Refuge Pump Out and Docking System	Grants/Port					50%	50%				

Total Estimated Cost = \$11,800,000

Funding Strategies – Near-Term Projects

PROJECTS	FUNDING AUTHORITY	ESTIMATED COST
HOTEL WHARF	Grants/Bonds/Port	\$60MM±
STS CRANE REPLACEMENT	Grants/Loans/Port	\$48MM±
GOLF PIER REPLACEMENT	Grants/Bonds	\$60MM±
TOS Upgrade	Grants/Port	\$5MM±
PIER F1 REPLACEMENT	Grants/Bonds	\$60MM±
TOTAL		\$233MM±

Diversification

- Military Exercise and Deployment Cargo (TRANSCOM/SDDC)
 - Strategic Port with Port Planning Orders
 - Guaranteed area for a specified amount of time (21 days?)
 - Staging military cargo on port and vessel loading
 - Identify facility needs to accommodate deployment operations (equipment tag interrogators, gate modifications, operations building,)
 - Meeting with SDDC tentatively scheduled for December 2021
- New Land Uses
 - Value added assembly facilities
 - Dry dock/ship repair
 - LNG facilities
 - Cruise port-of-call
 - Marine Highway RO/RO (Guam↔CNMI)

Successful Partnership with the Office of the Governor & OLDCC

OLDCC Funded Efforts	Benefits to PAG and Guam
2023 Master Plan	Identified and prioritized resiliency needs including hardening of major operating infrastructure such as piers, wharves and terminal buildings
Wharf Service Life Extension	Evaluated existing conditions of Pier F1 and Berths F2 – F6, prepared conceptual cost estimate, resulting in the PAG receiving a \$16.9M grant for 80% of the needed repairs
Ship-to-Shore (STS) Gantry Crane Program	Developed bid documents to remove two obsolete gantry STS cranes, two RTG cranes, and one mobile harbor crane. Developed detailed procurement schedule, cost estimates, and bid documents for acquisition of new STS gantry cranes that the PAG is preparing to advertise
Tariff Simplification	Working with the Port to restructure tariff to streamline invoicing and improve integration of finance, operations, tenant and customs systems
Information Technology (IT) Support	Assisted with selecting and implementing the Terminal Operating System (TOS) and modernizing the IT department for efficiency, security and dependability

Successful Partnership with the Office of the Governor & OLDCC

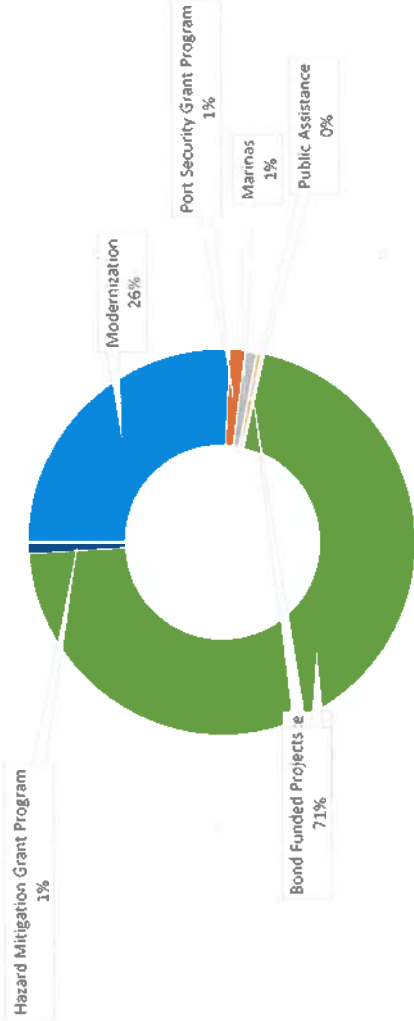
OLDCC Funded Efforts	Benefits to PAG and Guam
Hotel Wharf	Assisting PAG in obtaining a TIGER grant for \$10M
CIP Bond Support Program	Prepared Consulting Engineer Report to help secure \$49M in bond funding
Customs Inspection Facility	Worked with PAG and Guam Customs to develop a site plan for the future Customs Inspection Facility
PUGG Initiative for System Integration	Worked with PAG and the PUGG to evaluate current process and provide recommendations to transition from paper processes to digital
Solar Power Study	Completed study to evaluate the potential for installing photovoltaic panels on existing building roofs to reduce power costs

Thank You



FY 2023 Port Grant/Bond - Monthly Update
As of March 24, 2023

PAG Federal and Bond Funding Percentage



Grant Program	Total Award Amount	Total Draw Down	Total Remaining Balance	PROCUREMENT I/8/RF/PO Number	Status
Modernization DTMA91G1600007 - Rehabilitation of "H" Wharf	\$0.00	\$0.00	\$0.00	PO No. 17043-07 for \$2,249,945.54 awarded to GHD Inc. New Contract Amount: \$2,656,621.37	The Port submitted its Buy American Act (BAA) Waiver for construction materials for its Hotel Wharf Project along with the Board approved Resolution on moving forward with Management's consideration to purchase steel from WTC and GPA partner countries due to the exorbitant cost of the steel piles which was estimated to be over 37% cheaper than if purchased domestically. In addition, the delivery period would have the steel on Guam in 6 months as opposed to 12 months. MARAD acknowledges the importance of the Wharf's upgrade, but the Port's request was denied. On February 1, 2023, the Port Team paid a courtesy visit to Rear Admiral Ann Phillips, Administrator of the USDOT Maritime Administration and brought to light the Port's challenges with the BAA restrictions. Moreover, it's going to cost the Port \$12 Million to get MARAD's \$10 million TIGER grant. After much discussion, MARAD suggested that the Port should submit a BAA compliant application for H-Wharf under the 2023 Port Infrastructure Development Program Discretionary Grant (PIDP). Due April 28, 2023. This new application will conform to the BAA requirements since there is no foreseeable policy decision that will consider non-BAA purchases with federal funds.
GR882-19-06 - 2020 Master Plan Update GR882-20-06 - O&M Supplemental Support Services	\$1,600,000.00	\$1,525,269.95	\$74,730.05		No cost, one-year grant extension approved. New end date is Sept 30, 2023. MCA to reflect new grant end date is currently being reviewed and processed. PAG received the Final DRAFT of the Master Plan. Document will now go through the Public Hearing, Submission and Adoption process outlined in 5 G.C.A. §1205, 1205.1 and 1206.
GR882-21-08 - PAG Construction Technical Oversight Services	\$1,500,000.00	\$320,244.97	\$1,179,755.03	P.O. No. 17424-05 for \$1,500,000.00	Continued professional and technical assistance is being provided by the PAG's Owner's Agent Engineer (OAE) WSP under Task Order 11.
GR882-22-02 Growth Port Authority of Guam in Water Infrastructure Study	\$1,200,000.00	\$0.00	\$1,200,000.00		As previously reported, Task Order #32 outlines the different tasks and deliverables for this OLOCC grant. Currently, WSP is in coordination with the Port is performing these services.

**FY 2023 Port Grant/Bond - Monthly Update
As of March 24, 2023**

Grant Program	Total Award Amount	Total Draw Down	Total Remaining Balance	Status
Port Enterprise Fund - Port of Guam Construction Deficiencies and Equipment Purchases	\$2,844,530.00	\$2,844,530.00	\$0.00	
<p>Project 6 - Acquisition of Additional Digital Cameras - The final inspection was completed on March 10, 2023. The project completion documents have been accepted by the PAG. The programmatic close out process for MARAD will be completed on March 1, 2023. MARAD's engineering close out process will be completed in the following weeks. MARAD also intends to perform a site visit for this project later in the year.</p> <p>Project 7 - Upgrade Port's LANTECH Access Control and Web Ready Security Management System - See Project 6</p>				
07-75-0761.4 - F1 Pier to Golf Pier Fuel Connectivity Project	\$2,413,091.00	\$0.00	\$2,413,091.00	EDA accepted PAG's recommendation to move forward with selected firm on March 8, 2023. EDA approved PAG's request to adjust grant budget categories on March 21, 2023. Contract pending Board approval.
020AP00135 - Phase 1: Port Authority of Guam - Welding Shop	\$240,325.00	\$0.00	\$240,325.00	The PAG submitted comments to WSP on March 2, 2023. These revised Determination of Eligibility and Assessment of Effect are now under review by WSP prior to submission to the SHPO for review.
D21AP1014.2 - Phase 2: Port Authority of Guam - Welding Shop	\$151,850.00	\$0.00	\$151,850.00	See above line item.
D22AP00124-00 Port Authority of Guam's Generator Maintenance and Sustainment Program	\$165,375.00	\$0.00	\$165,375.00	Grant award notification was received on June 29, 2022. PO# May 19, 2022 - September 30, 2025. Requisition #21032-OH was entered on Jan. 19, 2023.
98T27101/98T34801 - Diesel Emissions Reduction Act (DERA) - Tractor Replacement	\$376,609.00	\$0.00	\$376,609.00	IFB/PAG-010-23, Re-bid for Terminal Yard Tractors (TDTQ), was advertised on February 1, 2023. Two bids were received by the deadline on February 22, 2023.
MARAD RAISE - Wharves Service Life Extension Hardening of Wharves F1-F6	\$17,941,997.00	\$0.00	\$17,941,997.00	The PAG will provide a copy of the pre-construction NEPA activities/ expenses to the USACE that needs to be completed before the PAG/MARAD Grant Agreement can be finalized. The USACE is an added resource that the Port can avail due to the MOA that was signed by both the Governor and the USACE. PAG OAE Task Order 11, Subtask 11.9 - The PAG submitted comments to WSP on March 2, 2023. These revised Determination of Eligibility and Assessment of Effect are now under review by WSP prior to submission to the SHPO for review.
MARINAS	\$1,209,246.60	\$518,959.00	\$690,287.60	
F16AP00261 - Harbor of Refuge Moorage Repairs	\$200,000.00	\$200,000.00	\$0.00	The PAG Engineers met with the Contractor and to date 36 out of 48 moorage system are fully installed. The remaining moorage system are located in Rows D & E (same row as the sunken vessels). The Contractor had requested to proceed with installing the moorage systems directly adjacent to the sunken vessels at no cost to the Port. Their plan is to work on a single system at a time. The sunken vessels will have three lines holding them in place at all times. No new lines were purchased. The subcontractor will ensure the sunken vessels remain secured at all times using their existing lines. Status: Ongoing
F17AP00486 - Harbor of Refuge Moorage Repairs	\$200,000.00	\$100,000.00	\$100,000.00	See above line item.
F19AP00334 - Harbor of Refuge Moorage Repairs	\$200,000.00	\$9,715.40	\$190,284.60	See above line item.
F19AP01199 - Guam Fisheries Development: Construction of Agat Marina's Dock B	\$512,759.00	\$12,759.00	\$500,000.00	PAG approved the final design. On March 22, 2023, the Contractor submitted Form 6082, Permit Application, and Final Design Drawing to the U.S. Army Corps of Engineers for their review and approval. The PAG Engineers will be inspecting the docking system, materials, lighthouse pedestal, and shipboard power cable before the end of the month. Next Steps: 1. Pending review and approval of permits by USACE; 2. The Contractor will be requesting a No Cost Schedule Extension, due to design and environmental permitting delays.
F19AP01210 - Repair of Agat Marina Boat Ramp Bumpers - 100%	\$40,000.00	\$40,000.00	\$0.00	On February 21, 2023, PAG submitted the final closeout report to DOAG. CLOSED
Port Security Grant Program	\$1,381,949.00	\$476,400.47	\$905,548.53	Project complete; pending grant close out on May 31, 2023.
EMW-2018-PU-00441-501 - IDEN Technology Redundant Interoperable Communications System Monthly Service	\$94,944.00	\$94,304.28	\$639.72	
EMW-2018-PU-00441-501 - Maintenance and Sustainment Contract for FEMA-acquired AS&E 28V Backscatter X-Ray Van	\$195,669.00	\$161,638.33	\$34,030.67	PO No. 17626-OS - American Science & Engineering 70,724.04.
EMW-2018-PU-00441-501 - Replacement CCTV System Existing Analog Cameras with Digital IP Cameras	\$160,867.00	\$160,867.00	\$0.00	PO No. 1873005 - GAS Security System \$346,000.00
EMW-2021-PU-00230-501 - Acquisition of Vessel Tracking/Radar Intrusion System	\$201,250.00	\$9,562.50	\$191,687.50	IFB PAG 013-22 published on August 15, 2022. Bid opening held on 10/24/2022 with one (1) submission. A budget request to utilize portion of remaining U #2 funding to cover any shortfall of U #1 was reviewed and approved FEMA on 2/17/2023. Awarded to GAS Security Systems. Delivery 210 days.
EMW-2021-PU-00230-501 - Acquisition of Transportation Worker Identification Credentialing (TWIC) System	\$165,000.00	\$45,759.00	\$119,241.00	PO No. 18212-OS - ComPaclic \$66,012.00

**FY 2023 Port Grant/Bond - Monthly Update
As of March 24, 2023**

Grant Program	Total Award Amount	Total Drawn Down	Total Remaining Balance	PROCUREMENT IFS/RFP/PO Number	Status
EMW-2022-PU-00149 - Acquisition of Unmanned Aerial Vehicles (UAV)	\$74,290.00	\$0.00	\$74,290.00		Grant was awarded on September 1, 2022. The Port Police division is currently working on the DR&AFT UAV Policy for submission to FEMA. This policy must be approved by FEMA prior to commencing the procurement process.
EMW-2022-PU-00149 - Primary Communications Replacement of Microbe Radio Units	\$405,478.00	\$0.00	\$405,478.00		Grant was awarded on September 1, 2022. Port Police division is currently working on the required procurement documents for the replacement of these units.
EMW-2022-PU-00149 - Integrated Digital Enhanced Network (IDEN) Technology Redundant Interoperable Communications System Service	\$84,450.00	\$4,269.36	\$80,180.64	PO No. 18297-05 IF&E 535.013.36	Grant was awarded on September 1, 2022. IDEN Services are being provided by IT&E (Period of October 1, 2022 - September 30, 2023.)
Public Assistance	\$330,317.90	\$311,407.40	\$18,910.50		Funding project was completed on September 30, 2022. Requested no cost time extension for the Management & Admin. project (CATI) Project #99994 UP to March 1, 2023.
4398DX - Typhoon Manghkur 165352	\$330,317.90	\$311,407.40	\$18,910.50		
Hazard Mitigation Grant Program	\$989,564.00	\$0.00	\$989,564.00		IFB-PAG-CIP-022-008 posted on August 26, 2022. Pre-bid conference held on Sept. 7, 2022 and Site visit conducted on Sept. 9, 2022. Bid opening held on Oct. 27, 2022, 2:00 pm. Contract awarded to Colms Marine. Grant Period of Performance end date is November 4, 2023.
Fendering System Hardening Project	\$603,689.00	\$0.00	\$603,689.00		IFB-PAG-CIP-022-009 posted on Sept. 13, 2022. Pre bid conference held on Sept. 20, 2022 and Site visit scheduled for Sept. 23, 2022. Bid opening was completed on October 20, 2022. There were two (2) bid submissions received by the deadline. Both bids were opened and the documents were reviewed by the Port Staff Attorney as well as the Procurement and Engineering divisions. Meeting held on December 7, 2022 with lowest bidder to discuss submission and specifications. Awarded to IAN Corporation. Contract currently under legal review. Grant Period of Performance end date is November 4, 2023.
Warehouse 1 Hardening Project	\$385,875.00	\$0.00	\$385,875.00		
Port Police	\$30,000.00	\$0.00	\$30,000.00		Project is pending the signed project agreement and authorization to proceed (ATP). OHS advised the PAG has since the agreement had not been signed by the Attorney General, the PAG would be unable to attend the 2023 Lifesavers Conference. They stated that the PAG could look for additional training opportunities in lieu of the conference. Additional training opportunities are being researched.
PT23-03-03PPD - Operation A'ian He'Heo	\$50,000.00	\$0.00	\$50,000.00		
Bond Funded Projects	\$77,886,440.00	\$5,235,128.81	\$72,651,311.19		Project is currently on hold pending Management decision.
New Administration Building	\$10,445,000.00	\$0.00	\$10,445,000.00		Contractor received the DPM building permit on February 3, 2023
Waterline Replacement and Relocation	\$6,000,000.00	\$319,086.18	\$5,680,913.82	RFP No. 2019-03 - A&E Design awarded to MC Macario	Groundbreaking held on March 9, 2023. The estimated completion date for the project is now February 2024.
EQMR Building Repairs and Upgrades	\$3,628,800.00	\$447,013.13	\$3,181,786.87	RFP No. 2019-03 - A&E Design awarded to MC Macario	NTF issued on January 3, 2023. The contractor is working to provide project submittals prior to the start of construction.
Warehouse 1 Repairs and Upgrades	\$1,000,000.00	\$447,013.13	\$552,986.87	RFP No. 2019-03 - A&E Design awarded to MC Macario	Procurement packet is being developed prior to PAG in-house legal review.
Golf Pier Repairs and Improvements	\$2,000,000.00	\$372,147.93	\$1,627,852.07	RFP No. 2019-02 - A&E design for \$484,000 awarded to MC Macario	The Port is working with consultant WSP to finalize supporting documentation for its Golf Pier Replacement Project grant application to the 2023 MA&AD RDP on April 28, 2023.
Rehabilitation of "H" Wharf (Port Share)	\$46,331,895.00	\$1,284,390.22	\$45,047,504.78	PO No. 17M3-07 for \$2,249,945.54 awarded to GH-D Inc. New Contract Amount: \$2,856,621.37 PO No. 18140-05 was issued to Sumitomo Mitsui Construction Company, Ltd. for \$46,331,895.00	The Port submitted its Buy American Act (BAA) Waiver for construction materials for its Hotel Wharf Project along with the Board approved Resolution on moving forward with Management's consideration to purchase steel from WTD and GPA partner countries due to the exorbitant cost of the steel piles which was estimated to be over 17% cheaper than if purchased domestically. In addition, the delivery period would have the steel on Guam in 6 months as opposed to 12 months. Maibad acknowledged the importance of the Wharf's upgrade, but the Port's request was denied. On February 1, 2023, the Port Team paid a courtesy visit to Rear Admiral Ann Phillips, Administrator of the USDOOT Maritime Administration and brought to light the Port's challenges with the BAA restrictions. Moreover, it's going to cost the Port \$12 Million to get MAIBAD's \$10 million TIGER grant. After much discussion, Maibad suggested that the Port should submit a BAA compliant application for H-Wharf under the 2023 Port Infrastructure Development Program Discretionary Grant (PIDP). Due April 28, 2023. This new application will conform to the BAA requirements since there is no foreseeable policy decision that will consider non-BAA purchases with federal funds.

FY 2023 Port Grant/Bond - Monthly Update
As of March 24, 2023

Grant Program	Total Award Amount	Total Draw Down	Total Remaining Balance	PROCUREMENT IIS/RFP/PO Number	Status
Other Priority Projects	\$4,980,745.00	\$0.00	\$4,980,745.00		1. Please refer to MARAD PAGE - Wharves Service Life Extension Hardening of Wharves #1-16 for more information. 2. Cargo Velocity to provide feedback on TOS supplier responses to market research inquiries.
Other Priority Projects - EnterpriseOne Financial Management System	\$2,500,000.00	\$2,365,568.22	\$134,431.78		Module updates are ongoing, including work on Job order modules for vessels and SSRs Status Quo.
Grand Total	\$10,461,491.50	\$11,231,940.60	\$99,229,550.90		

PORT AUTHORITY OF GUAM
CONTRACT SUMMARY UPDATE

No.	Consultant/Vendor	Type of Service	Solicitation Method Reference No.	Division	Contract Term	Initial Term	Expiration After Options	Next Renewal Due Date	Annual Amount (Comments / Notes)
PROFESSIONAL SERVICES									
1	A1 - Guam WEBZ	Web Development, Hosting, Support and Maintenance Services	IFB-002-20	IT	3 years w/2 1 yr options	04/01/2020 to 03/31/2023 w/ 2 1yr options	03/31/25	03/31/24	Fees based on rates
2	AM Insurance	Insurance Coverages	GSA/PAG-015-22	Finance	5 years	10/01/2022 to 09/30/2023	09/30/27	09/30/23	Premium Based/Annual renewal
3	AM Insurance	Workers Compensation Coverages	IFB-011-23	Finance/Safety	3 years				In cost negotiations
4	Matson	PMC for Gantry Cranes	RFP-020-005	EQMR	5 years with options to 20 years	11/05/21 to 11/05/26		11/05/26	\$200K per annum
5	Bank of Guam	Banking Services	RFP-020-004	Finance	5 years	5/14/21 to 5/13/26	05/14/26	05/14/26	
6	Mobil Oil Guam	Management and Operations of Golf Pier	RFP-021-002	Commercial	5 years				Currently in cost negotiations
7	OMEGA Safety	OSHA Training & Certification Services for Maritime Terminal Operations	RFP-017-003	Human Resources	3yr w/ 2- 1yr options NTE 5 years	8/13/2018 to 8/13/2021	08/13/23	08/13/22	Final Year next IFB August 2023
8	Pacific Human Resources, Inc.	Drug Free Workplace Program	RFP-020-003	Human Resources	Initial 3yr term with 2 add'l one year options, not to exceed 5 yrs	06/15/20 to 6/14/2023	06/15/25	06/15/23	
9	Milo Appraisals	Real Estate Appraisal Services	RFP-021--004	Commercial	3yrs w/ 2 option	10/06/21 to 10/05/24	10/05/26	10/05/24	Task Order based
10	International Health Providers IHP	Medical Examination Services	RFP-022-005	Human Resources	3 yr w/ 2 options NTE 5 years				Contract being routed for signatures
11	Tristar Terminal Guam	M & O of F-1 Fuel Pier Facility	RFP-019-004	Commercial	5 years	04/01/21 to 03/31/26	04/01/21	03/31/26	
12	Ernst & Young	Annual Independent Audit Services	RFP-022-004	Finance	3 years w/2 1 yr option	FY22, FY23, FY24 (FY25 Option)	2025	2024	
13	WSP USA Inc.	OAE - Owner Agent Engineer	RFP-021-003	Planning	2 yr w/ 3 options NTE 5 years	10/22/21 to 10/21/23	10/22/26	10/21/23	\$1.5M
14	N.C. Macario & Associates	A/E Design and Consulting Services Golf Pier	RFP-019-002	Engineering	3 years w/2 1 year options	11/20/19 to 11/19/22	11/19/2024	11/20/2022	did not renew

PORT AUTHORITY OF GUAM
CONTRACT SUMMARY UPDATE

No.	Consultant/Vendor	Type of Service	Solicitation Method Reference No.	Division	Contract Term	Initial Term	Expiration After Options	Next Renewal Due Date	Annual Amount (Comments / Notes)
15	N.C. Macario & Associates	A/E Design and Consulting Services EQMR, Warehouse No.1, Waterline Relocation	RFP-019-003	Engineering	3 years w/2 1 year options	02/05/20 to 02/04/23	2/5/2025	2/4/2024	\$1,406,427.48
16	GHD	Construction Management Services	RFP-020-002	Engineering	Initial 2 years with 3 add'l One year options not to exceed 5 yrs	3/15/21 to 3/14/23	3/15/2025	3/14/2024	Contract signed 3/15/2021
17	AM Orient	A&E Design of Fuel Pipeline System	RFP-022-003	Planning/CIP					For Board approval
CONSTRUCTION CONTRACTS									
No.	Consultant/Vendor	Type of Service	Solicitation Method Reference No.	Division	Contract Term	Initial Term	Expiration After Options	Next Renewal Due Date	Annual Amount (Comments / Notes)
1	Sumitomo Mitsui Construction Company	Rebid of the Construction Rehabilitation of H-Wharf and Highway 11 Roadway Reconstruction	IFB-022-002	CIP/Planning	730 calendar days from NTP				\$47M approx.
2	Guam Shipyard	Design Demolition of 5 Inoperable Port Cranes and One Barge at F-6	MS-IFB-021-002	CIP/EQMR	410 calendar days				\$2,573,155.00
3	Guam Shipyard	Supply and install of Fendering system at F-3	IFB-021-001	CIP	243 calendar days from NTP				\$297K NTP was issued
4	Cal Pac	Installation of CCTV Surveillance sys and ACS control replacement	IFB-003-21	Planning/CIP	210 days from NTP				\$1.2 million
5	Propacific Builders Corp.	Replacement of 125 each Reefer Receptacles	IFB-21-007	CIP	182 days from NTP				\$600,000.00
6	Pacific Federal Management Inc.	Design Build and Replacement Of 3 Metal Gatebooths	IFB-021-11	CIP	275 days from NTP				\$157,557.00
7	BME and Sons	Waterline Replacement Project	IFB-021-005	CIP	365 calendar days from NTP				\$4.8M
8	SPPC	Ultra Low Sulfur Diesel Fuel Bid	IFB-022-002	Trans/Ops	3 years with 2 options				\$450K approx.
9	ART Construction	Renovation and Repairs of the Harbor of Refuge Phases 2 thru 5	IFB-022-001	CIP/Planning	180 from NTP				\$870,000.00

PORT AUTHORITY OF GUAM
CONTRACT SUMMARY UPDATE

No.	Consultant/Vendor	Type of Service	Solicitation Method Reference No.	Division	Contract Term	Initial Term	Expiration After Options	Next Renewal Due Date	Annual Amount (Comments / Notes)
10	Pro Pacific	Design Build Agat Marina Bathrooms	IFB-022-006	CIP	360 calendar days from NTP				\$345,000.00
11	AIC International Inc.	Construction of Agat Marina Dock B	IFB-022-004	CIP/Planning	242 calendar days from NTP				\$1.5M
12	RN Builders	Painting of Exterior, Interior, Roof Coating of PAG CFS Building	IFB-022-007	CIP	180 calendar days from NTP				\$390,000.00
13	Cabras Marine Corp	Supply and Install New 11 ea. Cylindrical Fendering System at F3 and 15 ea Rubber Leg Arch Fenders at F4 to F6	IFB-022-008	CIP	243 calendar day from NTP				\$301,077.47

Port Authority of Guam
CIP / Engineering Divisions

Status as of March 28, 2023

Fact Sheet No. 123

**Project Status
Post-Award Projects**

Project Title	Harbor of Refuge Installation of Mooring Blocks
Project Number	IFB-PAG-CIP-022-001
Project Amount	\$ 870,000.00
Work in Progress (WIP)	100% Complete
Funding Source	USDA F&W Boating Infrastructure Grant
Contractor	ART Constructors
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	August 8, 2022
Project Completion Date	April 5, 2023
<p>Current Status: PAG Engineering performed conformity inspection on March 15, 2023, and found units were installed per drawings and specs. Final invoice are being processed and closeout documents under review. Final payment pending.</p>	

Project Title	Replacement of 125 Each Reefer Outlet Receptacles
Project Number	IFB-PAG-CIP-021-007
Project Amount	\$ 600,000.00
Work in Progress (WIP)	80% Complete
Funding Source	PAG Bonded Project
Contractor	PRO PACIFIC Builders Corporation (PBBC)
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	March 18, 2022
Project Completion Date	May 31, 2023 (Original date: February 28, 2023)
<p>Current Status: PAG Engineering performed conformity inspection on March 23-24, 2023 on 2 EA of 12 Panelboard. The outstanding 10 Panelboards are delayed due to manufacturing delay, and expected mid-April. Installations and inspection of remaining Panelboards will be performed once received. PBBC has requested and PAG approved a "No-Cost Time Extension" to extend the project closeout to May 31, 2023.</p>	

Project Title	Installation of Dock "B" Agat Marina
Project Number	IFB-PAG-CIP-022-002
Project Amount	\$ 1,494,750.00
Work in Progress (WIP)	40% Complete
Funding Source	DOI and USDA Grants + PAG FY21 Budget Share
Contractor	AIC International Inc.

Designer of Record	DCA
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	August 15, 2022
Project Completion Date	March 15, 2023
<p>Current Status: 80% Build of Materials received, and PAG Engineering coordinating inspection to be held on March 28, 2023 at AIC Laydown area. Project is at risk to miss the POP, as USACE in-water permit is pending and utilities installation and commissioning is dependent on structures installed. PAG and AIC in discussion to extend POP at no-cost to Government.</p>	

Project Title	Painting of exterior, interior and roof coating of the CFS Building
Project Number	IFB-PAG-CIP-022-007
Project Amount	\$390,000.00
Work in Progress (WIP)	80% Complete
Funding Source	PAG
Contractor	RN Builders
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	November 3, 2022
Project Completion Date	May 1, 2023
<p>Current Status: Project is 80% complete, with mezzanine work on-going (honeycomb and plaster). Project is at risk of missing POP due to additional work of spall/crack repairs. Contract modifications under negotiation and approval.</p>	

Project Title	Design-Build Agat Marina Bathrooms
Project Number	IFB-PAG-CIP-022-006
Project Amount	\$ 345,000.00
Work in Progress (WIP)	40% Complete
Funding Source	PAG Budget FY22
Contractor	PRO PACIFIC Builders Corporation (PBBC)
Designer of Record	Coeval Design Partners
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	July 18, 2022
Project Completion Date	July 18, 2023
<p>Current Status: 100% Design completed and reviewed by PAG Engineering. DPW permit under review and requires approval from Parks and Rec. Materials submittal review is on-going. Project is at risk to miss POP - Pending SHPO clearance/permit requires Archaeologist to approve site clearing.</p>	

Project Title	HMGP Supply and Install New 11 Ea. Cylindrical Fendering System at Wharf F-3 and 15 Ea. Rubber leg Arch Fender at Wharf F-4 to F-6
Project Number	IFB-PAG-CIP-022-008
Project Amount	\$ 301,077.47
Work in Progress (WIP)	30% Complete

Funding Source	FEMA
Contractor	Cabras Marine Corporation
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	January 10, 2023
Project Completion Date	September 9, 2023
Current Status: Mod to increase quantity pending. Will request FEMA approval for extension. MOD Cost is approx. 90% of original contract.	

Project Title	EQMR Building Maintenance
Project Number	IFB-PAG-CIP-021-010
Project Amount	\$ 2,500,000.00
Work in Progress (WIP)	15% Complete
Funding Source	PAG
Contractor	JJ Global Services
Designer of Record	NC Macario and Associates
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	January 03, 2023
Project Completion Date	March 3, 2024
Current Status: Draft Submittals received March 22, 2023. Planned project mobilization is April 2, 2022 and groundbreaking ceremony coordination is on-going.	

Project Title	PAG Waterline Replacements
Project Number	IFB-PAG-CIP-021-005
Project Amount	\$ 4,856,569.00
Work in Progress (WIP)	35% Complete
Funding Source	PAG
Contractor	BME & Sons
Designer of Record	NC Macario and Associates
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	March 21, 2022
Project Completion Date	May 4, 2024
Current Status: GPR surveys on-going; excavation by Route 11 tentative on 27 MAR. At risk to miss POP- project was held up by SHPO permitting, BME will request no-cost time extension.	

Project Title	Design, Demolition, Removal & Proper Disposal of 5 Inoperable Cranes and Optional Removal/Disposal on one Barge YFN816
Project Number	IFB-PAG-CIP-021-002
Project Amount	\$ 2,573,155.00
Work in Progress (WIP)	65% Complete
Funding Source	PAG

Contractor	Guam Shipyard (Guam Industrial Services, Inc.)
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	September 13, 2021
Project Completion Date	February 1, 2023
Current Status: To Demo A-Frame leg south side and machine room housing, Smithbridge arrived 2/8/23.	

Project Title	Rehabilitation of H-Wharf and Access Road
Project Number	IFB-PAG-CIP-022-002
Project Amount	\$ 46,331,895.00 (Original Amount: \$23,000,000.00)
Work in Progress (WIP)	30% Complete
Funding Source	TIGER Grant and PAG Revenue Bond
Contractor	Sumitomo Mitsui Construction Co. LTD (SMCC)
Designer of Record	WSP
Construction Manager	GHD Engineering
Notice to Proceed Issued	TBD (On-Hold)
Project Completion Date	TBD
Current Status: MARAD denied PAG's request for BAA waiver on February 2023. PAG re-applied for MARAD grant to comply with BAA, submitted end of April and expected response from MARAD is end of September 2023. Full BAA compliance cost is \$60M and includes all programmed phases (wharf, road and utilities).	

Project Title	HMGP 18 Rollup Plus 1 Swing Aluminum Doors at Warehouse 1 North
Project Number	IFB-PAG-CIP-022-009
Project Amount	\$ 579,777.53
Work in Progress (WIP)	10% Complete
Funding Source	FEMA Grant
Contractor	IAN Corporation
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	March 21, 2022
Project Completion Date	May 4, 2024
Current Status: Requisition 20607-OR Award is under review. Contractor will be notified upon approval of the award. Pending AWARD to IAN Construction for turnover/coordination meeting.	

Pre-Award Project

Project Title	Warehouse 1 Building Maintenance
Project Number	IFB-PAG-CIP-022-009
Project Amount	\$
Work in Progress (WIP)	10% Complete
Funding Source	FEMA Grant
Contractor	IAN Corporation
Designer of Record	PAG In-House
Construction Manager	PAG Engineering Division
Notice to Proceed Issued	March 21, 2022
Project Completion Date	May 4, 2024
Current Status: Requisition 20607-OR Award is under review. Contractor will be notified upon approval of the award. Pending AWARD to IAN Construction for turnover/coordination meeting.	

Port Authority of Guam
Operations Division Report
February 2023

I. OVERVIEW

Vessel Calls	18
Cans Handled	5,810
Special Service(s)	110

a. Productivity

Vessel Op	Avg NMPH	TOP GANG	M/Hr
Matson Domestics	22.8	6	26.7
Feeder			
MSA Barges	15.7	1	23.9
Kyowa	16.6	5	22.2
Ambyth Mariana	17.4	3	24.0
MELL Kotas	22.7	6	24.8
APL Herodote/Dakar	23.0	5	25.1

b. Equipment Status

As of : 02/27/2023	ON HAND	UP	RM	Repair
GANTRYs	3	3		
TOP LIFTERS	9	4	5	
20T FORKLIFT	2	2		
10T FORKLIFT	4	2	2	
5T FORKLIFT	2	2		
TRACTORS	23	18	5	

II. YEAR TO DATE

a. Vessels_YTD 104

b. Can_Cnt YTD

February	FY22		FY23		Variance	
	I	E	I	E	I	E
Local	14261	14268	13455	13691	-6%	-4%
TS	2469	2669	2229	2327	-10%	-13%
TSMT	1564	1447	1233	1077	-21%	-26%
TTL	18294	18384	16917	17095	-8%	-7%

FY-23 WORK INJURY REPORT
(01/01/23 to 12/31/23)

<u>Divisions</u>	<u>*Lost-time</u>	<u>**Recordable</u>	<u>*** Refused Treatment</u>
Stevedoring	1	0	0
Transportation	1	1	1
Terminal	0	0	0
EQMR	0	0	0
Port Police	0	0	0
Admin	0	1	2
Total:	0	0	0

Work Injury Summary for this reporting period: 3/16/2023

Total Injuries for FY-23 to date: 7–Injuries

- 2-- Lost-time**
- 2– Recordable**
- 3– Refused Medical Attention**

Last disabling work injury was on: 03/07/23

Number of days since last work injury: 13-days

Note: PAG best record was 222 days or 7 months w/o a disabling work injury

***Lost-time** = If an employee was injured on the job and medical doctor sent him/her home, his/her injury is considered a lost-time.
****Recordable** = If an employee was injured on the job and medical doctor treated him/her and released him/her back to work on the same day (Recordable because of medical charges).
*****Refused Medical Attention:** Filed WC Forms 201 & 202 for record purposes only.
