

**BOARD OF DIRECTORS**

Francisco G. Santos, Chairman  
Dorothy P. Harris, Vice Chairperson  
Dr. Judith P. Guthertz, Board Secretary  
Conchita S.N. Taitano, Member



**Resolution No. 2022-14**

**RELATIVE TO PETITIONING THE PUBLIC UTILITIES COMMISSION (PUC)  
FOR THE APPROVAL OF THE AWARD TO SUMITOMO MITSUI CONSTRUCTION  
COMPANY FOR THE REBID OF THE CONSTRUCTION REHABILITATION OF HOTEL  
WHARF AND HIGHWAY 11 ROADWAY RECONSTRUCTION**

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

**WHEREAS**, on October 27, 2021, the Port Authority of Guam (PAG) issued an Invitation for Bid IFB-PAG-CIP-022-002 for the Rebid of the Construction Rehabilitation of Hotel Wharf and Highway 11 Roadway Reconstruction; and

**WHEREAS**, a total of one (1) company submitted their proposal by the deadline of January 28, 2022; and

**WHEREAS**, during the bid opening process, a review of the required documents for bidding was reviewed for the one bid submitted. It was determined that the responsible and responsive and **only** bidder with the lowest price was Sumitomo Mitsui Construction Company (SMCC) with a submitted bid amount of *Fifty-Nine Million Six Hundred Eighty-Three Thousand Sixty-Five Dollars and No Cents (\$59,683,065.00)*; and

**WHEREAS**, upon further review and consideration for the high price, the Port made a request to the bidder to negotiate the price, scope of work, specifications and terms and conditions of this project in accordance with the Title 2 GARR, Division 4, Chapter 3, § 3102 (c)(1)(C) which allows the Port Authority of Guam to reject the bid offer and apply the Sole Source method of procurement, wherein both parties may negotiate a fair and reasonable price, when only one bid submittal is received; and

**WHEREAS**, on February 24, 2022, SMCC agreed to and signed a Letter to Negotiate the price, specifications, scope of work, and terms and conditions for the above subject Invitation for Bid (IFB); and

**WHEREAS**, on March 4, 2022 our initial negotiations meeting took place with SMCC, additional cost negotiation meetings were held on May 17, 2022, June 3, 2022 and June 9, 2022; and

**WHEREAS**, the Port has agreed and accepted SMCC offer of *Forty-Six Million Three Hundred Thirty-One Thousand Eight Hundred Ninety-Five Dollars and Zero Cents (\$46,331,895.00)* for IFB-022-002 Rebid for the Construction Rehabilitation of Hotel Wharf and Highway 11 Roadway Reconstruction for a period of performance of seven hundred thirty-five (735) calendar days from the issuance of the Notice to Proceed. Furthermore, the terms and conditions, period of performance, scope of work and specifications will remain the same as agreed to by both parties and be adhered to; and

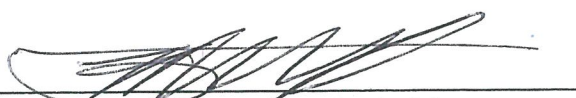
**WHEREAS**, this project is made possible through Federal Funds (Maritime Administration (T.I.G.E.R. Grant), American Recovery Program Funds (ARP) and Port Bond Funds and Port Local Funds; and

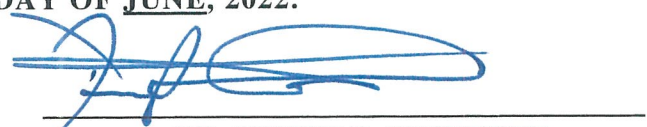
**WHEREAS**, the Port Authority Board of Directors at its regular meeting of June 16, 2022 approved the contract award to Sumitomo Mitsui Construction Company (SMCC) for the Invitation for Bid No. IFB-PAG-CIP-022-002 for the Rebid of the Construction Rehabilitation of Hotel Wharf and Highway 11 Roadway Reconstruction; now therefore be it

**RESOLVED**, the Port Authority Board of Directors authorizes Management to petition the Public Utilities Commission (PUC) to review and approve the contract award to Sumitomo Mitsui Construction Company in accordance with the PAG Docket 09-01 Contract Review Protocol for the Port Authority of Guam; 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 Public Utilities Commission.

**PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF  
DIRECTORS THIS 16<sup>th</sup> DAY OF JUNE, 2022.**

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

  
DR. JUDITH P. GUTHERTZ  
SECRETARY, BOARD OF DIRECTORS  
PORT AUTHORITY OF GUAM

