



**PORT OF GUAM**

ATURIDAT I PUETTON GUAHAN

**Jose D. Leon Guerrero Commercial Port**

1026 Cabras Highway, Suite 201, Piti, Guam 96925

Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445

Website: [www.portguam.com](http://www.portguam.com)



**Lourdes A. Leon Guerrero**  
Governor of Guam

**Joshua F. Tenorio**  
Lieutenant Governor

**Performance and Development Evaluation**

**Public Law 29-61**

**Review Period: January 8, 2019 thru July 8, 2019**

The Board of Directors of the Port Authority of Guam makes public that the General Manager, Mr. Rory J. Respicio, has earned an exceptional performance evaluation rating relative to the performance factors adopted by the Board. The evaluation was based on the following areas:

Leadership

Commitment to the Port's mission, vision and values

Management practices

Relational and communications skills

Commitment to diversity

Resource management

Accountability

Responsiveness and customer service

Decision making and problem solving

Work environment and safety

Key contributor to completion of special projects

As a result, the Board of Directors hereby retains Mr. Rory J. Respicio as the General Manager of the Port Authority of Guam.

Duly adopted by the Board of Directors on July 30, 2019.



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## GENERAL MANAGER PERFORMANCE AND DEVELOPMENT EVALUATION FORM

Name of General Manager:  <b>Rory J. Respicio</b>	Name of Reviewer/Title:  <b>Francisco G. Santos, Chairman, Board of Directors</b>
Period Covered:  From: <b>January 8, 2019</b> To: <b>July 8, 2019</b>	Date of Review:  <b>7/29/19</b>

### GENERAL INSTRUCTIONS:

1. This form is to be used for initial and bi-annual performance evaluation for the General Manager. The performance evaluations are to occur six (6) months into the General Manager's employment with the Port Authority of Guam and every twelve (12) months thereafter.
2. The ratings to be assigned by the Rater for each individual factor are indicated in Part I; for each individual Performance Objective in Part II; and for the Overall Rating in Part III.
3. The Performance Objectives and factors may be weighted at the Rater's discretion.
4. The Reviewer is the Board of Directors.

### PART I: CORE PERFORMANCE FACTORS

1. The Board of Directors evaluates the General Manager's proficiency in the following performance factors using a single rating on the following scale:  
  
A = Exceptional Performance  
B = Superior Performance  
C = Average Performance  
D = Acceptable Performance  
E = Needs Improvement

Performance Factors	Rater's Rating
<p><b>1. Leadership</b></p> <p>Displays courage, passion and caring in work.  Sets a professional example.  Motivates other to work toward common goals.  Uses authority responsibly.  Addresses problems proactively.  Gains support and seeks buy-in-through participation of others.  Demonstrates interest in professional growth of others.  Shows good judgment and accepts ownership for decisions in areas of responsibility.</p> <p><b>Supportive Information:</b></p> <p><i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>
<p><b>2. Commitment to the Port's Mission, Vision and Values</b></p> <p>Articulates or shows appreciation for the importance of shared vision.  Demonstrates civility in relations with others.  Requires supervised employees to show civility in their relations toward others.  Participates regularly in activities beyond immediate areas of responsibility which support the mission of the Port.  Demonstrates consideration of the Port's values when making decisions.  *(Diversity and civility are examples of University values to be considered.)</p> <p><b>Supportive Information:</b></p> <p><i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>
<p><b>3. Management Practices</b></p> <p>Demonstrates commitment to good customer services.  Demonstrates competency in labor-management relations activities necessary to effectively manage the areas of responsibility.  Questions existing practices for continued relevancy.  Effectively initiates and promotes necessary change in the areas of responsibility.  Sets and enforces performance standards effectively.  Recognizes and rewards good performance.  Plans effectively and shows good project management skills.  Shows awareness of "good practices" for areas of responsibility.  Encourages employees to improve performance and grow by actively supporting and encouraging employees to participate in training and development activities.</p> <p><b>Supportive Information:</b></p> <p><i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>

Performance Factors	Rater's Rating
<p><b>4. Relational Skills</b></p> <p>Works effectively with others.            Works collaboratively and negotiates effectively.            Maintains confidentiality.            Accepts constructive criticism without offense.            Demonstrates sensitivity to the rights and opinions of others, even in disagreement.            Presents a positive image of the Port to external publics.            Respects cultural differences and embraces activities which support a diverse community.</p> <p><b>Supportive Information:</b>  <i>Refer to attached memorandum</i></p>	<p><b>A</b></p>
<p><b>5. Commitment to Diversity</b></p> <p>Respects cultural differences and embraces activities which support a diverse community.            Utilizes recruitment strategies designed to attract diverse applicant pools.            Actively engages in diversity initiatives, such as, mentoring, training and employee networks.            Displays a commitment to diversity.</p> <p><b>Supportive Information:</b>  <i>Refer to attached memorandum</i></p>	<p><b>A</b></p>
<p><b>6. Resource Management</b></p> <p>Recruits, selects and retains capable, productive employees.            Effectively deploys staff, equipment and technology to accomplish work.            Shows good stewardship of financial resources.            Demonstrates knowledge of budget and use of financial reporting systems.            Displays creativity/innovative in managing resources.</p> <p><b>Supportive information:</b>  <i>Refer to attached memorandum</i></p>	<p><b>A</b></p>
<p><b>7. Communication Skills</b></p> <p>Shares appropriate information with internal and external audiences in a timely and responsible manner.            Manages meetings effectively.            Possesses effective listening skills.            Articulates clearly and writes effectively.            Displays effective presentation skills.</p> <p><b>Supportive information:</b>  <i>Refer to attached memorandum</i></p>	<p><b>A</b></p>

Performance Factors	Rater's Rating
<p><b>8. Accountability</b></p> <p>Takes responsibility for fulfilling job duties.  Meets attendance and punctuality guidelines.  Demonstrates accuracy and thoroughness.  Completes work on time.  Follows instructions and directions.</p> <p><b>Supportive Information:</b>  <i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>
<p><b>9. Responsiveness/Customer Service</b></p> <p>Consistently demonstrates respect, responsiveness and professionalism.  Provides each customer with the same high quality services.  Fosters and models a commitment to customer service.  Builds customer and confidence and increases customer satisfaction.  Makes customers and their needs a primary focus.  Developing and sustaining productive customer relationship.</p> <p><b>Supportive Information:</b>  <i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>
<p><b>10. Decision Making/Problem Solving</b></p> <p>Identifies and understands issues, problems and opportunities.  Make timely and rational decisions based on analysis of relevant information/data  Accepts responsibility for decisions and takes proper action when necessary.  Uses effectively approaches for choosing a course of action or developing appropriate actions.  Takes action that is consistent with available facts, constraints, and probable consequences.</p> <p><b>Supportive information:</b>  <i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>
<p><b>11. Work Environment/Safety</b></p> <p>Promotes and supports a respectful workplace; comply with laws, policies and procedures.  Models ethical behavior and decision making and ensures compliance.</p> <p><b>Supportive information:</b>  <i>Refer to attached memorandum</i></p>	<p style="text-align: center;"><b>A</b></p>

**PART II: JOB SPECIFIC PERFORMANCE OBJECTIVES**


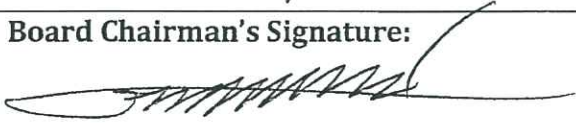
Instructions: Part II creates the performance deliverable which will be measured. The General Manager and Board of Directors should identify below between 5 and 8 significant deliverable in the form of major initiatives or projects. They may include annual program objectives or project-related work. The intent is that there should be some collaboration between the General Manager and Board of Directors when assigning the deliverables and they should be prioritized if at all possible, with the most important in block 1, next most important in block 2, etc. If more than 8 deliverables require listing, those in excess of 8 may be listed in the back of the last page. (NOTE: It is typical for some priorities to change over the course of the year, and it also foreseeable that some objectives set at the beginning of the cycle may prove unachievable for reasons outside the General Manager's control.)

Job Specific Performance Objectives	Rater's Rating
<p><b>1. Objective:</b></p> <p><i>Refer to attached memorandum for performance objectives and expected results.</i></p>	
<p><b>Expected Results:</b></p>	
<p><b>Actual Results:</b></p>	
<p><b>2. Objective:</b></p>	
<p><b>Expected Results:</b></p>	
<p><b>Actual Results:</b></p>	
<p><b>3. Objective:</b></p>	
<p><b>Expected Results:</b></p>	
<p><b>Actual Results:</b></p>	

<b>Job Specific Performance Objectives</b>	<b>Rater's Rating</b>
4. Objective:	
Expected Results:	
Actual Results:	
5. Objective:	
Expected Results:	
Actual Results:	
6. Objective:	
Expected Results:	
Actual Results:	
7. Objective:	
Expected Results:	
Actual Results:	

Job Specific Performance Objectives	Rater's Rating
8. Objective:	
Expected Results:	
Actual Results:	

The General Manager and the Board of Directors have met, discussed and agreed to the above initiatives as measurable deliverables for the performance cycle.

Employee' Signature: 	Date: 7-29-2019
Board Chairman's Signature: 	Date: 7/29/19

**PART III: SUMMARY OF OVERALL PERFORMANCE:**

The space below is provided for a narrative summary of the General Manager's performance over the immediate cycle to be completed by the Board of Directors (Rater).

*Refer to attached memorandum*



**PART IV: OVERALL PERFORMANCE EVALUATION RATING: (Please checkmark √)**

Exceptional Performance

Superior Performance

Average Performance

Acceptable Performance

Needs Improvement

**PART V: PERFORMANCE DEVELOPMENT PLAN:**

In the blocks below, the Board of Directors should make specific recommendations designed to identify strategies to enhance the General Manager's current competencies (first block) or correct performance issues (second block).

Professional Growth Strategies:

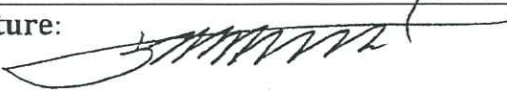

*Refer to attached memorandum*

Remedial Strategies:

*Refer to attached memorandum*

**PART VI: SIGNATURES:**

The General Manager and Board of Directors are required to sign the instrument after completing it and concluding the performance interview. The General Manager is only attesting to having been afforded the opportunity to review the evaluation and discuss the evaluations with the Board of Directors. The General Manager's signature does not necessarily indicate that he/she agrees with the Board of Directors' measurement of his/her performance. Employee's comments are optional.

<b>Board Chairman's Signature:</b> 	<b>Date:</b> 7/29/19
<b>Employee' Signature:</b> 	<b>Date:</b> 7-29-2019

<b>Employee comments:</b>	<b>Date:</b>
I would like to discuss with the Board of Directors: [ ] Yes [ ] No	
<b>Board Chairman's Signature:</b>	



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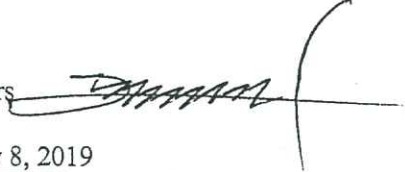


Lourdes A. Leon Guerrero  
Governor of Guam  
Joshua F. Tenorio  
Lieutenant Governor

July 23, 2019

**MEMORANDUM**

TO: Rory J. Respicio, General Manager

FROM: Francisco G. Santos, Chairman, Board of Directors 

SUBJECT: Performance Evaluation – January 8, 2019 to July 8, 2019

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*Hafa Adai!* In accordance with Title 5, Guam Code Annotated, Chapter 43, Board and Commissions, specifically Article 2, Performance Evaluation of Agency Heads, Section 43202, performance reviews of the General Manager are to be conducted six (6) months after appointment and every 12 months thereafter. In addition, Policy Memorandum No. 09-03, Subject: Policy on Performance Evaluation for General Manager, states that at the beginning of employment, performance goals will be agreed upon.

However, because this was not done, the review of your performance was based on the priorities the new administration had set forth in their transition report, as well as, items not indicated in the transition report but was addressed and reported at the Board meetings.

Based on the report, the Leon Guerrero-Tenorio wanted to address within its first 100 days the following recommendations:

- Provide for a signed union contract
- Bring closure to ongoing cases involving employee appeals
- Determine staffing needs, including realignment and reassignment of personnel done in accordance with the Personnel Rules and Regulations.
- Review Port's current business strategies and implement plans to contain operational costs and increase Port revenue.

Reviewing the transition report and Board minutes, the following was addressed within the first six months of your employment:

- **Port Insurance:** In December 2018, the Port was notified that cancellation of its insurance coverage will occur if payment of premiums was not made. Upon your first day of employment as the General Manager had requested Board approval to pay the premium balance and averted the cancellation of the Port's insurance coverage.
- **Real Estate Issues:**
  - **Guam Customs & Quarantine Agency:** Since the passage of Public Law 34-112, which reserved 4 acres of land for the construction of a new customs inspection, holding and securing area on Cabras Island, Port and Customs were not able to agree on an ideal location for the facility. During your first month of the administration, both agencies were able to identify an area for a

Customs Satellite Inspection, Holding and Secured Sterile Facility. This has allowed Customs to begin to pursue financial options available to construct such facility.

- Golf Pier Management Agreement and Area A: Area A Tank Farm is included in the Golf Pier Management Agreement; which Mobil Petroleum was using to store fuel. Such facility has not been used since 2010 because of a federal consent decree which required Mobil to either bring the facility into compliance with federal regulations or discontinuance use. Both parties agreed to remove Area A from the Golf Pier Management Agreement, however, such amendment was never executed. With Board authorization, executed amendment to the management agreement carving out Area A has allowed Port to issue an information for bid for any potential interest to lease the facility to either rehabilitate current or build new storage fuel facilities. The Port can pursue incentives to develop fuel capacity at Area A and propose a tiered fee tied to volume for transshipment of fuel for petroleum companies.
- Legal Services: Since 2010, there were 51 cases referred to Legal Counsel to pursue litigation. Out of the 51 cases, 16 are pending—3 civil and 13 adverse action appeals. The Port expended over \$6 million in legal fees to pursue litigation over 8 years. With the amount of costs incurred for legal services, management is to look at alternatives to determine if it would be beneficial to the Port to employ a staff attorney to be involved in the day-to-day port transactions. For complex maritime issues, Port may want to retain a lawyer or firm who has expertise in maritime industry. Within the first six months, you were able to complete the transparency and disclosure process for the creation of an in-house attorney. A draft request for proposal for complex maritime legal services has been submitted to the Attorney General for review. Because of the expiration of Port Legal Counsel's existing contract and to ensure the Port has an attorney on record, legal services are currently being provided by the Office of Attorney General. It is expected to have the staff attorney on board by July 2019.
- Ongoing Litigation for Civil and Employee Appeals: To determine whether continued litigation is in the best interest for the Port, a task force has been formed to review the employee adverse action appeals. The findings of the task force are to be submitted to the Board in July. Discussions have been held with Guam YTK, BME & Sons, Inc. and Guam Industrial Services, Inc. regarding the ongoing disputes with the Port. Although an informal discussion was held with Guam YTK, it was the consensus of the Board to wait until a decision from Supreme Court has been issued. Regarding BM&E Sons, Inc. and Guam Industrial Services, Inc. mutual agreements have been identified and will be presented to the Board for review and possible approval.
- Procurement Delegation: In 2006, the Port has not been granted procurement delegation by the Chief Procurement Officer of General Services Agency (GSA). Since this date, the Port has been assigning its Procurement and Supply staff to participate in the on-the-job training with GSA. It was recommended that Port meet with the Chief Procurement Officer to determine the expectations she wants from the Port so procurement delegation can be granted in order for the Port to purchase materials, supplies and services that are vital to the daily operations of the Port. As a result of the meeting, the Chief Procurement Officer has authorized the Port to handle purchases up to \$10,000. If GSA is satisfied on how the Port handles its procurement process, consideration may occur to increase the limitation to \$25,000.
- Hotel Wharf: At a meeting with MARAD officials in March, Port was informed that the \$10 million TIGER grant September 2019 deadline to obligate the monies has been changed to July 2019

and an environmental plan of action must be submitted to MARAD by April 2019. It was noted that the Port was advised of this change and requirement in 2018. As a result of this meeting, the Port was able to meet the submission requirement for the environmental work update, as well as, issue the necessary procurement packages for Hotel Wharf rehabilitation work. The Port's efforts in meeting the requirements and expectations of our federal partner removed the risk of the Port losing the \$10 million TIGER grant.

- **Revenue Bond Legislation:** Public Law 34-70 which authorized the Port to issue revenue bonds to provide funding for capital improvement projects and refinance all or portions of outstanding loans of the Authority. Such legislation was specific in nature and did not allow latitude in reprogramming such revenues to fund critical projects that would have an adverse impact on the Port's cash flow.

In 2017, a structural assessment report on the Port's waterfront facilities recommended much needed repairs to F1 and wharves be addressed. It was noted during the first months of the new administration that a connectivity line between Golf Pier and F1 would need to be installed to ensure the fuel import/export is not disrupted during the fuel piers repair work, as well as, improvements to the Port's informational technology system—Terminal Operating and Financial Management systems—is needed. Such projects were not included in the revenue bond legislation.

After reviewing what projects in the legislation could be downsized, it was noted that the 2010 Master Plan had recommended the Port construct an annex building connecting to its existing administration building. The Master Plan noted that the existing Port administration building is structurally safe, and its infrastructure would need to be upgraded.

Management discussed with Bond Counsel and GEDA regarding projects not included in the revenue bond legislation and was amendable to the amendment made on the current legislation. It was noted that they were receptive to the fact the Port was looking after its revenue generating facilities.

Rather than constructing a new administration building at a cost of \$17.5 million, the Board approved management's recommendation to instead construct an annex building and pursue an amendment to Public Law 34-70 to reprogram funds earmarked for construction of a new administration building and use such proceeds to fund such projects. Proposed legislation was submitted to the Port's Legislative Oversight Chair for introduction to amend Public Law 34-70 and protect the Port's revenue generating facilities.

- **Union Contract:** The union contract approved in 2012 by the prior Board was stalled due to a lack of signatures by the Governor and Attorney General. In February, the Port and union representatives returned to the negotiation table to augment current contract provisions to improve the employee's work life at the Port. The guiding principles centered around the agreement which is consistent with the rule of law, fairness, transparency and a structure which promotes a healthy employee/management relationship for not only all employees but also the Port as a whole. The negotiations have been completed and such contract has been presented to the Board for their review and approval.
- **Interpersonal Relationships with Port Users Group (PUGG) and Port Employees:** Meetings have been held with Port Users Group to improve communication and return ownership of such meeting to the PUGG. As a result of the meetings, the productivity of vessel operations has improved, and participative discussions are being held on how the relationship between the Port and PUGG can be enhanced.

Individual and divisional meetings have been held with the employees regarding the goals and objectives that is being set by this administration. And through discussions with employees, they have said positive changes have occurred and were very appreciative to regain their voices. Publicly stated in one of our meetings, the employees said “We are no longer crying over spilled milk by past management. We are now cleaning it up and moving on because there is so much to do to make this Agency Port Strong again.”

- **Port Organizational Structure and Restructuring Business Process:** In 2018, Finance Division was reorganized into three (3) sections: revenue accounting, expense accounting and financial affairs. To comply with court order in restoring the full responsibilities of the Financial Affairs Controller, the Finance Division was reverted to its original organizational structure to reflect the position as the head of the division. In addition, processes on check signing policy, certifying officers, budget authority and travel rules and regulations were streamlined.

In addition to the above accomplishments, you and your team continue to address day-to-day work activities in such an excellent manner to ensure Port’s operations are not disrupted. During the last 6 months of your employment, you were challenged with pressing issues that could have repercussion impact on the Port, yet you and your team through your leadership meticulously provided solutions that are beneficial not only for the Port but the people of Guam as a whole. As we journey the road, we know obstacles will be there—but we will be able to chip away the obstacles and eventually the road will be smooth.

As a result, the overall evaluation for the 6 month period is **Exceptional Performance**.

As required in Policy Memorandum 09-03, the following areas of responsibilities, objectives and measures for the upcoming rating period is being provided:

1. **Port Master Plan Update:** Update the road map to guide the Port for the next 20 years to reflect new military build-up developments. Continue to pursue grant opportunities to assist in the funding of the Master Plan update.
2. **Revenue Bond Legislation:** Continue to pursue legislation on amending Public Law 30- 74.
3. **Revenue Bond Projects:** Continue to prepare and issue procurement packages for other revenue bond projects and/or monitor the progress for those projects awarded.
4. **Gantry Crane Purchase:** Continue to seek grant opportunities for the purchase of a gantry crane. Prepare specifications for procurement on the rail mounted gantry crane.
5. **Real Estate Issues:**
  - a. **Fuel Facility:** Provide Board with feedback on the potential interest in the leasing of Area A Tank Farm.
  - b. **Recycling Enterprise Zone:** Identify the number of acres available for the recycling facility as required by Public Law 28-92 and survey such property for possible issuance of a solicitation of interest to entice eligible companies who would like to establish such facility.

- c. Micronesian Cruise Ship Development: Continue to work with GVB and GEDA on identifying potential Port property for the development of a cruise facility.
  - d. Aqua World Lease: Recommend to the Board if the Port wishes to continue its lease arrangement with Aqua World or pursue the desire of terminating the lease hold. If the determination is to continue the relationship with Aqua World, both parties would need to commence discussion to identify what properties they wish to keep under their lease hold and amend the agreement to accurately reflect the acres they wish to keep.
  - e. Pending Leases and Current Lease with Option Years: For current lease negotiations, the Port should review the disputed lease and determine if an agreeable resolution can be negotiated with the tenants. For pending leases, determine if it is in the best interest of the Port and its future plans to proceed with the execution of such lease.
6. **Port Finances, Staffing and Manpower Requirements**: Conduct a manpower assessment to determine the Port's human resources and look at potential contractual options in supplementing manpower needs, such as, temporary staffing when the military build-up ramps up.
  7. **OPA Reports**: Resolve the repeat findings in the audit report, i.e., continue to work with MARAD in providing a close-out report for the Port Enterprise Fund and finalize the five lease agreements.

This memorandum will be attached to your performance evaluation to justify the overall evaluation of Exceptional Performance and provide specific performance objectives for the next rating period.

We thank you and your team for a job well done.