



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN
P.O.BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

July 28, 2020

AMENDMENT NO.: IV

TO

INVITATION FOR BID NO.: GPA-054-20

FOR

AUTOMOTIVE ULTRA-LOW SULFUR DIESEL FUEL OIL NO. 2 (ULSD)
AND AUTOMOTIVE REGULAR (UNLEADED) GASOLINE
FOR THE GPA TRANSPORTATION FLEET

Prospective Bidders are hereby notified of the following change & response to inquiries received from Bidder No. 1 dated July 22, 23 & 27, 2020:

CHANGE:

REMOVE Page 61 of 66 and *REPLACE* with Page 61a of 66 (see attached).

Under General Terms and Conditions, Item 7 is not applicable to this bid invitation.

Inquiry dated 07/22/2020:

QUESTION:

1. Will the contract be awarded for the lowest bid average for total amount of both products or will it be awarded with lowest bid amount per product?

ANSWER:

The contract will be awarded to the BIDDER evaluated as being qualified and with the best overall lowest price for the THREE (3) year contract base period based on the estimated annual quantities set forth in Section 11, pages 14-15 of the solicitation documents. GPA will determine the lowest and most responsive bidder and reserves the right to make multiple awards, partial awards, award by product grade, or award in whole, whichever may be most advantageous to the Authority.

Inquiry dated 07/23/2020:

QUESTION:

1. The bid documents does not indicated the deadline for submission of questions and clarifications. Can GPA provide the deadline?

ANSWER:

Kindly refer to *Amendment No.: III* dated July 27, 2020.

QUESTION:

2. Reference. **Part B. Bid submittal documents. Article I. Section 2.01 Product and quality** (page 32 - 33 of 66). Bidder No. 1's Synergy gasoline is engineered to help clean your engine for fuel economy and performance. Bidder No. 1's quality Synergy Diesel continues to be of higher cetane than the minimum ASTM D975 requirement. We are attaching Bidder No. 1's product data specification for ULSD and ULP for GPA acceptance and consideration.

ANSWER:

All required documents must be submitted with bid package.

QUESTION:

3. Please explain the rationale for **clause 3.04** of the GPA 054-20 contract. The ability to change specifications seems more appropriate for a lubricant supply agreement for industrial equipment where there might be the possibility to change the equipment necessitating a change in lubricant specification. It does not seem relevant for the purchase of gasoline and diesel at service stations.

ANSWER:

The Authority's fleet of vehicles and heavy equipment is ever evolving. To ensure any and all future innovations are available for the Authority, the Authority stands firm on this clause.

Inquiry dated 07/27/2020:

QUESTION:

1. Bidder No. 1 thanks Guam Power Authority ("GPA") for the opportunity to participate in the above referenced solicitation. The bid submission deadline will be this coming Wednesday, July 29, 2020 at 2pm.

We sent two (2) clarification request letters on July 22, 2020 and July 23, 2020. We have not received any response from GPA. Therefore Bidder No. 1 is requesting an extension of additional 5 working business days for the deadline to submit bid response and the bid opening (August 5, 2020). We believe this brief extension will allow us to review GPA's response in regards to submittal clarification request.

ANSWER:

Kindly refer to *Amendment No.: III* dated July 27, 2020.

All other Terms and Conditions in the bid package shall remain unchanged and in full force.


for JOHN M. BENAVENTE, P.E.
General Manager

GENERAL TERMS AND CONDITIONS

SEALED BID SOLICITATION AND AWARD

Only those Boxes checked below are applicable to this bid.

- [X] 1. **AUTHORITY:** This solicitation is issued subject to all the provision of the Guam Procurement Act (SGCA, Chapter 5) And the Guam Procurement Regulations (copies of both are available at the Office of the Complier of laws, Department of Law, copies available for inspection at the Guam Power Authority). It requires all parties involved in the Preparation, negotiation, performance, or administration of contracts to act in good faith.
- [X] 2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and conditions for the bidder to provide the Government of Guam (Government) with specified services or with materials, supplies or equipment completely assembled and ready for use.
- [X] 3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation.
- [X] 4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Director of Revenue and Taxation.
- [X] 5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with section 5008 of the Guam Procurement Act (SGCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.
- [X] 6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:** Bidders shall comply with all specifications and other requirements of the Solicitation.
- **[] 7. **"ALL OR NONE" BIDS:** Unless otherwise allowed under this Solicitation. "all or none" bids may be deemed to be non-responsive. If the bid is so limited, the Government may reject part of such proposal and award on the remainder.

NOTE: By checking this item, the Government is requesting all of the bid items to be bided or none at all. **The Government will not award on an itemized basis.** Reference: Section 3-101.06 of the Guam Procurement Regulations.

- [X] 8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 5651 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 5651 of the Government code.
- [X] 9. **BIDDER'S PRICE:** The Government will consider not more than two (2) (Basic and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where basic or alternate bid meets the minimum required specification, cost and other factors will be considered. Failure to explain this requirement will result in rejection of the bid.
- [X] 10. **BID ENVELOPE:** Envelope shall be sealed and marked with the bidder's name, Bid number, time, date and place of Bid Opening.
- [X] 11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Guam Power Authority in the amount of fifteen percent (15%) of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier's check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid. (GPR Section 3-202.03.3) **Pursuant to Public Law 27-127, all competitive sealed bidding for the procurement of supplies or services exceeding \$25,000.00 a 15% Bid Security of the total bid price must accompany the bid package.**
- [X] 12. **PERFORMANCE BOND REQUIREMENT:** The Bidder may be required to furnish a Performance Bond on Government Standard Form BB-1 or standby irrevocable Letter of Credit or Certified Check or Cashier's Check payable to the Guam Power Authority issued by any of the local Banks or Bonding Institution in the amount equal to ONE HUNDRED PERCENT (100%) of the contract prices as security for the faithful performance and proper fulfillment of the contract. In the event that any of the provisions of this contract are