



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
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April 4, 2018

AMENDMENT NO.: VI

TO

INVITATION FOR MULTI-STEP BID NO.: GPA-034-18

FOR

**BUILD, OPERATE & TRANSFER CONTRACT FOR 120-180MW OF NEW GENERATION CAPACITY
STEP 1 – REQUEST FOR QUALIFICATIONS**

Prospective Bidders are hereby notified of the responses to clarifications to Amendment No.: V received from Summit Power dated March 30, 2018 and Hyundai Corporation dated April 02, 2018:

Summit Power clarification to Amendment No.: V dated March 29, 2018:

QUESTION:

1. In response to the referenced Multi-Step Bid Amendment No: V, thank you for the clarifications.

In light of the additional information provided in the responses to recent questions regarding qualification criteria and instructions, we request that you provide a reasonable extension for bidders (which may have elected not to submit qualifications up to this point) to restructure their project teams such that they can submit their qualifications. One week would seem reasonable.

Additionally, as addressed in prior questions and responses, for this qualification phase, we understand it is not necessary to establish project companies, formalize joint venture documents, etc. at this time. This would be more appropriate during the actual bidding phase once qualified. Therefore, a simple document signed by the JV team members, stating their intent to formally respond to this RFP if selected as a qualified bidder should be all that is necessary. Your instructions to submit "bids" would not seem to apply to this Step 1 process in its entirety but be more appropriate for submitting the actual bid documents in the next step of your process. Can you clarify what instructions should be followed for the Step 1 process.

ANSWER:

Given the tight project procurement schedule, the fact that the qualification document submittal date has already been extended by two weeks from the original submittal date, and that some of the prospective bidders are already in the process of shipping their submittals, Guam Power Authority cannot grant the requested extension of the bid submittal date.

Regarding the requirement of submitting "bid", GPA would like to clarify that your understanding that it is not necessary to establish project companies, formalize joint venture documents, etc. at this time is correct, and that a simple document identifying the consortium of joint venture members and appointing the lead member signed by the consortium members would be sufficient. Please note that, if pre-qualified, the composition of the consortium proposed at this stage will not be allowed to change without GPA's written permission.

Hyundai Corporation clarification to Amendment No.: V dated 04/02/2018:

QUESTION:

1. This letter is in response to Amendment V for "Step 1 – Request for Qualifications" in reference to Guam Power Authority bid number: GPA-034-18 Build, operate & transfer contract for 120-180MW of new generation capacity.

On page 5 of Amendment V, GPA states the following:

"a. No bidder or bidding member will be allowed to participate in more than one proposal. For purposes of this limitation, the terms "bidder" and "bidding member" shall be deemed to include affiliates thereof. **An affiliate of a company shall mean a parent, subsidiary, brother or sister corporation or other corporation or entity which, either directly or indirectly, controls the company or the company controls or is under common control with the company.**"

We would like to clarify the comment on the above answer.

Firstly, if we follow the definition in the above, we could assume that four (4) companies i) that are all wholly-owned by one governmental corporation ("**Mother Company**") and ii) are participating in this bid as separate consortium, are allowed to bid as separate consortiums. As it is definitely mentioned in the above answer, the four (4) companies believe that they may participate in the bid as the companies are sister company controlled and managed separately by one Mother Company, and having no direct or indirect ownership with each other. Moreover, it seems to us that your definition of affiliate does not consider that an affiliate should include a company being controlled by a common Mother Company. So, our question is whether our assumption is right.

We are under the situation that each of these companies that qualify the pre-qualification specifications are eligible to bid and have formed their own consortiums independently in the past few months. Due to the fact that a consortium for a project of this magnitude typically consists of three (3) companies and there are four (4) different consortiums, it is safe to assume that there are potentially twelve (12) companies from Korea that may be affected by the above clarification. This entails that either **none of the twelve (12) companies from Korea are able to submit** or all twelve companies will submit at the risk of all being disqualified for something that is not within their power to control.

As previously mentioned, all of the four power generation companies are autonomous from each other and therefore have no way of denying the other consortium of submitting a bid proposal. **Therefore, we would like to request that if a consortium member which has a sister company which is part of a different consortium but each can prove in documentation that they are autonomous from each other and are not controlled by any of the other consortiums then each individual consortium can be allowed to submit a proposal.**

ANSWER:

GPA reiterates the previously issued response that no company or its affiliates are allowed to participate in more than one consortium submitting the proposal.

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

1/24/11



JOHN M. BENAVENTE, P.E.
General Manager