

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 170 (ECJ)

Introduced by:

Committee on Calendar
By request of I Maga'lahen
Guåhan in accordance with
the Organic Act of Guam.

AN ACT TO AUTHORIZE THE LEASE FOR AN EDUCATION FACILITY ON LOT MARBO BASE COMMAND "B"-4, APPROVE THE REQUEST FOR PROPOSAL AND RESERVATION OF FUNDS FOR THE SAME

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Authorization to Enter into Lease.

For the purpose of facilitating the financing of the design, construction and maintenance of an Education Facility, as defined in 5 G.C.A. § 58103(e), an Education Agency, namely the Guam Public School System, or the government of Guam, as the case may be, is authorized to lease, to the Contractor, up to eighteen (18) acres of certain real property located on Guam better described more particularly as that certain real property, located in Yigo, Guam, known as Lot Marbo Base Command "B"-4, and consisting of approximately 80.0 acres, as described as Exhibit "A" of the United States Quitclaim Deed, Instrument Number 479882, on which to construct an Education Facility, as defined in 5 G.C.A. § 58103(e), pursuant to Chapter 58 of Title 5, also known as The Education Facilities Construction Initiative Act of 2001, as amended.

Section 2. Approval of the Request for Proposal.

1 *I Liheslaturan Guåhan* hereby approves the Request for Proposal (‘RFP’)
2 attached hereto as “Exhibit B.” Such RFP shall be issued by the government of
3 Guam through the Department of Public Works, in compliance with the Guam
4 Procurement Law, for the financing, design and construction of the Education
5 Facility, as defined in 5 G.C.A. § 58103(e), together with maintenance of the
6 Education Facility, as defined in 5 G.C.A. § 58103(e), over the term of the Lease-
7 Back, according to the needs of the Education Facility, as defined in 5 G.C.A. §
8 58103(e), and consistent with Chapter 58 of Title 5.

9 **Section 3. Reservation of Funds.**

10 Beginning Fiscal Year 2007, the sum of One Million Dollars shall be
11 reserved from the General Funds reserved from debt service savings resulting
12 from the payoff of the government of Guam’s 1995 General Obligation Bond
13 pursuant to Public Law 28-49 for the RFP approved herein. Upon acceptance of
14 the terms and conditions resulting from the RFP, herein, the *I Maga’lahi* shall
15 submit a request to *I Liheslatura* for a continuing appropriation from such
16 reserved funds to carry out the intent of this ACT.

**REQUEST FOR PROPOSAL
CONSTRUCTION OF NEW SCHOOL AT MARBO BASE
COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN AND
LEASEBACK (FDBML), PART I**

PROJECT NO. 700-5-1019-L-YIG

FINANCING

**FELIX P. CAMACHO
Governor of Guam**

Prepared by:

**Department of Public Works
Government of Guam**

2005

GOVERNOR
Felix P. Camacho
LT. GOVERNOR
Kaleo S. Moylan



REQUEST FOR PROPOSAL

FOR

**CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN AND LEASEBACK (FDBML)
PART I AND PART II**

PROJECT NO. 700-5-1019-L-YIG

The Governor of Guam through the Department of Public Works intends to obtain school facilities through a municipal leaseback (FDBML) proposal with a maximum annual amortization of *One Million Dollars (\$1,000,000.00)* or best possible financial terms at the desired level of service to a maximum of (2) years capitalization of principal and interest payments.

A non refundable of \$500.00 is required as payment for each set of proposal documents which can be obtained at the Contracts Administration, Department of Public Works beginning _____, 2005 from Monday through Friday, excluding holidays, between 9:00 a.m. and 4:00 p.m.. A pre-proposal conference will be held at 9:00 a.m. on _____, 2005 at Chief of Engineering, Building "B", Department of Public Works.

Proposal submittals will be accepted no later than _____ at 4:00 p.m. at the Contract Administration, Department of Public Works.

LAWRENCE P. PEREZ

Acting Director

REQUEST FOR PROPOSAL

CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN YIGO FINANCE, DESIGN, BUILD, MAINTAIN, LEASEBACK (FDBML), PART I FINANCING

PROJECT NO. 700-5-1019-L-YIG

I. INTRODUCTION

1. EXECUTING AGENCY

The Governor of Guam through the Department of Public Works (DPW) and with the assistance of the Guam Economic Development and Commerce Authority (GEDCA) hereby issues this Request for Proposal (RFP) for a Finance, Design, Build, Maintain and Leaseback Project (FDBML) for One (1) New Intermediate School at Marbo Base Command in Yigo.

All proposals submitted under this RFP must comply with Government of Guam requirements incorporated specifically in the FDBML invitation, or if silent in the RFP, as applicable under Guam Procurement Law, Rules and Regulations.

This solicitation for FDBML describes the scope of services required from the successful Proposer and provides instructions for the submission of proposals.

2. WHO MAY SUBMIT A PROPOSAL

Any "Developer, Contractor or Finance Company" may submit a proposal.

"Developer, Contractor or Finance Company" shall mean any COMPANY organized and operating under the laws of any state or territory of the United States and who may be subject to Guam Licensing laws. Specific information on licenses may be obtained from the Director of the Revenue and Taxation. A special purpose corporation proposal may also be a consideration.

3. PURPOSE

The successful Proposer will serve as the primary lessor of the schools for the Government of Guam.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

II. INTENT

The Governor of Guam through the Department of Public Works intends to obtain intermediate school facility through a municipal leaseback program as described in this Finance, Design, Build, Maintain and Leaseback (FDBML) project with a maximum of One million dollars (\$ 1,000,000.00) annual amortization on best possible financial terms at the desired level of service to include two (2) years capitalization of principal and interest payments. The terms and conditions of the lease shall be as determined by I Maga'lahren Guáhan by the execution of a lease agreement; provided, however, that the lease shall mature not later than the year 2025.

III. SCOPE OF WORK

The Scope of Work for Part I- Financing is part of the criteria in which all the proposals submitted will be based on. This section will be scored based on assigned weights as indicated in Evaluation Form. The overall weight of this Part I is 70%. The Municipal Leaseback Company shall be able to perform the following:

- a. Term Sheet to include all interest charges, fees and expenses
- b. Responsiveness of Proposal
- c. Ability of the Lessor to lease to Lessee the facilities described in Technical Specifications, which is Part 1 of this Request for Proposal.
- d. Ability of Lessor to structure municipal leases from \$50,000,000 to over \$300,000,000. Please provide examples of municipal leases financed.
- e. Ability of Lessor to offer suggestions on various arrangements for service and maintenance contracts in support of the upkeep and service of the leased facility. Please provide detail on suggested payment arrangements.
- f. Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.
- g. Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable for appropriation in future years (Event of non-appropriation).

Non-Appropriation Clause (defined): In event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of appropriation shall be deemed to have occurred. If an Event of Non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rental's provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.

- h. Ability of Lessor to provide 100% financing for the facility, including design, construction, maintenance and other related costs to complete the projects as per Technical Specifications.
- i. Ability of Lessor to develop a payment schedule that can be structured on an annual basis.

IV. PROPOSER QUALIFICATION

The following minimum criteria shall be met:

1. Proposer shall be a Developer, Contractor or Finance Company who may be subject to Guam Licensing Laws, however, must be licensed to do business within Guam prior to the award.
2. Proposer must have and be willing to commit sufficient staff, resources, and capital to finance, develop, perform and deliver the services required by this FDBML, in accordance with the terms and conditions specified herein.
3. Proposer must have knowledge, experience in the municipal leaseback business. Examples should be provided.
4. Proposer must have knowledge, experience in managing a municipal leases for schools or related public buildings. Examples should be provided.

V. PLEDGED GENERAL FUNDS RESERVED

The Government intends to pledge general funds reserved from the debt service savings resulting from pay off of the government of Guam's 1995 General Obligation Bond pursuant to Public Law 28-49 to Guam Public School System for the purposes of financing, design, construction and maintenance of the Education Facility, as defined in 5GCA Section 58103(e) pursuant to the lease herein.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

The amount for municipal lease and maintenance shall be a maximum of One Million Dollars (\$ 1,000,000.00) annually or best financial terms at the desired level of service for twenty (20) years.

VI. TECHNICAL SPECIFICATIONS

The Technical Specifications is a part of the criteria in which all proposal submitted will be base. This part has an overall weight of thirty (30%) percent. The technical specifications which is Part II.

VII. SPECIAL PROVISIONS

1. Indebtedness limitation.

Section 11 of the Organic Act of Guam (Section 1423a of Title 48 of the United States Code Annotated) limits the amount of "public indebtedness" of the Government of Guam to an amount "not in excess of 10 per centum of the aggregate tax valuation of the property in Guam". The intent of this RFP is that the obligation of the Government on the leases described herein not be "indebtedness" of the Government within the meaning of Section 11. Since there is, as yet, no case law in Guam creating a judicial exception to the debt limitation for financing leases, it is the intent of the Government to conduct a "validation action" to confirm that treatment prior to the signing of the lease.

VIII. GENERAL CONDITIONS

1. GENERAL INFORMATION

1.1 ISSUING OFFICER

This solicitation is issued by the Government of Guam through DPW with the assistance of GEDCA. The individual listed below is the sole point of contact from the date of release until the selection of the winning proposer:

Name: Lawrence P. Perez
Title: Acting Director, DPW

Department Name: Department of Public Works
Mailing Address 1: 542 North Marine Drive
Tamuning, Guam 96913

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

Telephone: (671) 646-3131/646-3217/646-3117
Facsimile: (671)646-3169

1.2. CHIEF PROCUREMENT OFFICER

The Chief Procurement Officer is responsible for overseeing the RFP, including monitoring and assessing contractor performance. The Chief Procurement Officer for this RFP award is:

Chief Procurement Officer: Lawrence P. Perez
Title: Acting Director, DPW
Agency: Department of Public Works

Contact Number: (671) 646-3131/646-3217/646-3117
Fax Number: (671) 649-3169

1.3 PROPOSAL DUE DATE

Each qualified Proposer may submit only a basic proposal. Alternate proposals shall not be accepted. One (1) original and five (5) copies of the proposal shall be submitted. Proposals shall be received by DPW not later than _____

2005. Any proposals received after this date and time SHALL NOT be accepted. The Government of Guam is not required to seek proposals for this service; it has chosen to do so in its best interest. The Government of Guam reserves the right to seek new proposals when such is reasonably in the best interest of the government.

1.4 INCURRED EXPENSES

Any costs incurred by Proposers in preparing or submitting a proposal are at the Proposers' sole responsibility.

1.5 DISQUALIFICATION OF PROPOSAL

DPW and GEDCA reserves the right to consider for award only those proposals submitted in accordance with all requirements set forth in this solicitation. Any proposal offering any other set of terms and conditions, or terms and conditions contradictory to those included in this FDBML, may be disqualified without further notice.

1.6 CANCELLATION OF FDBML

This solicitation may be canceled and any or all proposals may be rejected in whole or in part, when it is deemed to be in the best interest of the Government of Guam.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

1.7 ADDENDUM AND AMENDMENT TO RFP

If it becomes necessary to revise or amend any part of this RFP, the Government of Guam furnish a revision by written Addendum to all prospective Proposers who received an original RFP. It will be the responsibility of the Proposer to contact the Contract Administration at the Department of Public Works prior to submitting a proposal to ascertain if any addenda have been issued, to obtain all such addenda, and to return the executed addenda with the proposal.

1.8 HOLD HARMLESS

The successful Proposer shall agree to release, indemnify and hold harmless the Government of Guam from and against any and all liabilities, claims, suits, damages, charges of expenses (including attorney's fees, wether at trial or appeal) which the Government of Guam may suffer, sustain, incur in any way subjected to by reason of or as a result of any act, negligence or omission on the part of the successful Proposer, its agents or employees, in the execution or performance of the obligations assumed under, or incidental to, the contract into which the successful Proposer and the Government of Guam will enter, except when caused solely by the fault, failure or negligence of the Government of Guam will enter, except when caused by the fault, failure or negligence of the Government of Guam, its agents or employees.

1.9 PROPOSAL BINDING

All proposals submitted shall be binding for one hundred twenty (120) calendar days following the opening.

2. QUESTIONS REGARDING SPECIFICATIONS OR PROPOSAL PROCESS

2.1 To ensure fair consideration for all proposers, the Department of Public Works prohibits prospective proposer's communication with any department employee during the submission process. Questions relative to interpretation of specifications or the proposal process shall be addressed to the Department of Public Works during the second pre-proposal conference. Additionally, the Department of Public Works prohibits communications initiated by a proposer with any Government of Guam Official or employee evaluating or considering the proposals prior to the time an award decision has been made, except as initiated by the appropriate Department of Public Works official or employee in order to obtain information or clarification needed to develop a proper, accurate evaluation of the proposal. Communication so initiated by a proposer may be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

3. CONTENT OF PROPOSAL

3.1 Proposal should be prepared simply and economically, providing straightforward, concise description of the proposer's ability to fulfill requirements of the proposal. In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that proposals be organized in the following manner:

3.1.1 Title Page. Type the name of proposer's agency/firm, address, telephone number (s), name of contact person(s), date and title of the RFP. The Proposer shall use the exact legal name, as registered or to be registered with the Department of Revenue and Taxation, in the appropriate space(s), in the RFP Submission Packet.

3.1.2 Table of Contents. Include a clear identification of the written material by section and by page number

3.1.3 Response to Proposal. Specifically state the proposer's understanding of the work to be accomplished and make a positive commitment to perform the work to include each section addressed in the RFP.

3.1.3a Please provide a brief overview of your firm, including a description of capital, credit ratings and experience.

3.1.3b Please include your firm's proposed structure in detail, as well provisions for extension of maturity or roll-over, or any other hypothetical scenario.

3.1.3c Provide a preliminary term sheet or similar format outlining the terms and conditions of the proposed lease agreement including interest rates.

3.1.3d Discuss the estimated time line for the issuance of this lease and describe your firm's ability to conduct this transaction in a timely matter. Please feel free to outline certain variables such a credit committees, and their effects, if any, on the terms and conditions of the financing.

3.1.3e Please include your firm's two (2) years latest audited financials.

3.1.3f Please describe any other terms and conditions required by your firm, in regards to this financing.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

3.1.3g Organizational Chart. Indicate the principal personnel that would be available to GEDCA and the government, as well as describe their experience and responsibilities for this financing.

3.1.3h See attached Insertion

3.1.4 References. Include a reference list of at least FIVE (5) clients to whom proposer has provided services similar to those being proposed to the INSERT JURISDICTION. This list will include the following information:

Name of Client:

Date of Services:

Address:

Contact Person:

Telephone Number(s):

3.1.5 General Statement of Experience. Include a written statement of experience in financing, providing and managing similar services. If the proposer does not possess an experience similar to the services required, proposer shall provide any pertinent information or experience Proposer may feels may qualify for consideration of award.

3.1.6 Operational Plan. Include a narrative description and/or organizational chart outlining the methods of operation, operational structure, and services to be provided by the proposer. This description should fully and completely demonstrated the intended methods for servicing the requirements. This plan should specifically identify obligations of the Government of Guam (e.g. financing, design, construction, maintenance, services and operational requirements)upon which the proposed plan is contingent. Proposers are encouraged to provide any other pertinent information which will assist the Government of Guam in evaluating the proposed method of operation.

3.1.7 TERMS OF PAYMENTS

3.1.7a The Government of Guam through the DPW shall pay the Developer or Finance Company, on an annual basis, for all lease payments due in accordance to the terms of the contract.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

- 3.1.7b All payments shall be made in accordance with, subject to, applicable provisions of §22505 of Chapter 22 of Title 5 of the Guam Code Annotated.
- 3.1.7c The Developer or Finance Company shall submit one (1) annual invoice, in original form, for lease payments due. The Government of Guam shall have thirty (30) calendar days after receipt of the invoice to make payment.
- 3.1.7d Non-Appropriation Clause : In event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of appropriation shall be deemed to have occurred. If an Event of non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rental's provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.
- 3.1.7e If the Government fails to perform as lessee under the lease or decides not to appropriate lease payments. Consequently, if the lessee take possession of the building investors or the trustee will typically be permitted to operate the financed facility for a period of time specified in the ground lease. However, once the term of the ground lease expires, the Government Body is entitled to repossession of the site together with all improvements on the site free and clear of any interest of the investors or a trustee on their behalf.
- 3.1.7f If the Government of Guam loses the use of the leased facility under certain circumstances, lease payments will be made only during the times DPW has full use of the leased facility. This will result in partial lease payments for the entire contract period.
- 3.1.8 Proposer's Affirmation and Declaration. Complete and have notarized the Proposer's Affirmation and Declaration form provided in the RFP Package. An authorized representative of the firm must sign this form as defined in 3.1.9 below.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

In addition, the affidavit shall contain the name address of any person who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall contain the amounts of any such commission, gratuity or compensation. the affidavit shall be open and available to the public for inspection and copying. Failure to submit the affidavit concerning commissions paid shall be deemed non responsive and cause for rejection upon receipt of the proposal.

3.1.9 Proposal Signature form. An authorized representative of the firm as defined below must sign this form:

When a proposer is a corporation, the president or vice president signing shall set out the corporate name in the full beneath which he/she shall sign his/her name and give the title of his/her office. The proposal shall also bear the seal of the corporation attested by its corporate secretary.

When the proposer is a partnership, the proposal shall be signed in the name of the partnership by a general partner or other person duly authorized to bind the partnership. The capacity and authority of the person signing shall also be given.

When the proposer is an individual or sole proprietorship, the proposal shall be sign by the individual owner stating name and style under which the proposer is doing business.

If the proposer is doing business under a fictitious name, the proposer must submit a copy of Certificate of Registration.

When the proposer is a joint venture, each joint venture must sign the proposal as herein above indicated.

- 3.2 Each proposal submitted will be graded and evaluated based on the combined total weighted score of Parts I and II. Part I has a weight of 70%. Part II has a weight of 30%. Each proposal submitted will be evaluated using Evaluation Form.
- 3.3 Only after the qualifying of the proposals will discussions begin.
- 3.4 The basis for the negotiations will be the leaseback program proposed by the highest rated proposer based on the evaluation .

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

4. EVALUATION OF PROPOSALS

4.1 A Proposal Evaluation Board will be established to review and evaluate all proposals submitted in response to this RFP. The Committee shall conduct a preliminary evaluation of all proposals on the basis of the information provided and other evaluation criteria set forth in this RFP. All proposals submitted will be evaluated by the evaluation board and will be ranked by the criteria provided in this RFP, including the following:

- a. Term Sheet to include all interest charges, free and expenses.
- b. Responsiveness of Proposal
- c. Ability of the Lessor to lease to Lessee the facilities described in Technical Specification, Part II of this Request for Proposal.
- d. Ability of Lessor to structure municipal leases from \$50,000,000 to over \$300,000,000. Please provide examples of the municipal leases financed.
- e. Ability of Lessor to offer suggestions on various arrangements for service and maintenance contracts in support of the upkeep and service of the leased facility. Please provide detail on suggested payment arrangements.
- f. Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.
- g. Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable for appropriation in future years (Event of non-appropriation).
- h. Ability of Lessor to provide 100% financing for the facility, including design, construction, maintenance and other related costs to complete the projects as Technical Specifications, which is Part II. Please provide examples of experience involved in similar financing.
- i. Ability of Lessor to develop a payment schedule that can be structured on an annual basis. Please provide example of

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

payment scenario.

- j. Company's Experience: Company history, organization and experience in design, construction, maintenance as per required in the RFP.
- k. Resources and Availability: Architectural-Engineering designers, consultant, construction managers, contractors, sub-contractors, quantity of personnel, equipments that will assigned to projects as per required in the RFP.

4.2 The evaluation committee will first review each proposal for compliance with the minimum qualifications and mandatory requirements of the RFP. Failure to comply with any requirements may disqualify a proposal.

4.3 Proposals will be evaluated and rated based on the criteria stated in the RFP, including but not limited to the following:

4.3.1 Responsiveness of the Proposal to perform the scope of work.

4.3.2 Ability, capacity, and skill of the Proposer to perform the scope of work.

4.3.3 Experience of the business and individual members of the business in accomplishing similar services.

4.3.4 Responses of the client references.

4.3.5 Such other information that may be required or useful in faithful performance of the contract.

The Evaluation Form included as the last page of this RFP will be used as a guideline for the review board.

4.4 The Government of Guam reserves the following rights to:

4.4.1 Conduct pre-award discussion and/or pre-award/contract negotiations with any or all responsive and responsible proposers who submit proposal determined to be reasonably acceptable of being selected for award; conduct personal interviews or require presentations of any or all proposers prior to selection; and make investigations of the qualifications of the proposers as it deems appropriate, including, but not limited to, a background investigation.

4.4.2 Request that proposer(s) modify their proposal to more fully meet the needs of the Government of Guam or to furnish additional

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

information as the Government of Guam may reasonably require.

4.4.3 Accord fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. such revisions may be permitted after submission of proposals and prior to award.

4.4.4 Negotiate any modifications to a proposal that it deems acceptable, waive minor irregularities in the procedures, and reject any and all proposals.

4.4.5 Process the selection of the successful Proposer without further discussion.

4.4.6 Financial Statements. The Government of Guam reserves the right to request the proposers submit their annual financial statements for the last three (3) fiscal years, including company financial statement summaries, cash flow, certified by a Certified Public Accountant. If the organization has been in business for a period of less than three (3) years, proposer may required to submit a detailed business plan in addition to any pertinent information that would allow the Government of Guam to evaluate the sufficiency of financial resources and the ability of the business to successfully perform the services enumerated in the contract. Unless otherwise stated, such request would be made after the submissions of the proposals and prior to award of a contract.

4.5 Each proposal submitted will be graded and evaluated based on the combined total weighted score of Parts I and II. Part I has a weight of 70%. Part II has a weight of 30%. Each proposal submitted will be evaluated using the attached Evaluation Forms.

4.6 The basis for the negotiations will be the leaseback program proposed by the highest rated proposer based on the evaluation.

5. CONTRACT REQUIREMENTS

5.1 Basis of Award.

A contract will be awarded to the most responsible and responsive proposer whose proposal meets the needs of the Government of Guam to the best degree.

5.2 Controlling Terms and Conditions

The project award shall consist of its terms and conditions, this FDBML, and

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

the RFP Submission Packet forms. If any provision of the RFP Submission Packet forms conflicts with those of the FDBML, then the terms of the FDBML shall control. If terms and conditions of the GENERAL CONDITIONS of this FDBML conflict with those of the SPECIAL PROVISIONS, then the terms and conditions of these GENERAL CONDITIONS shall control. If the terms and conditions of the TECHNICAL SPECIFICATIONS (Part II) conflict with those of the SPECIAL PROVISIONS or the GENERAL CONDITIONS, then the terms and conditions of the TECHNICAL SPECIFICATIONS shall control.

5.3 Contract Term

The period of the contract shall be for a period of twenty (20) years include a maximum (2) years capitalization of the principal and interest payments.

5.4 Award Termination

When deemed to be in best interest of the Government of Guam, the Government of Guam may cancel any award resulting this specification by the following means:

- a. Ten (10) days written notice with cause; or
- b. Three Hundred Sixty Five (365) written notice without cause.

5.5 Addition/Deletion

The Government of Guam reserves the right to add to or delete any item from this proposal or resulting agreements when deemed to be in the interest of the Government of Guam.

5.6 Assignment

No proposer shall assign his proposal or any rights or obligations hereunder without the written consent of the Government of Guam.. In the event of such approved subcontracting, the Developer, Contractor, Financier agrees to provide the Government of Guam with written documentation relative to the subcontractor(s) employed with this contract.

5.7 Proposal Prices

Prices quoted in the proposal shall include any and all shipping costs, shipped C.I.F. Guam, or to the facility location specified by the Contracting Officer or the Contract Agreement.

All taxes of any kind and character payable on account of the work done and

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

materials furnished under the contract shall be paid for by the contractor, developer, financier and shall be deemed to be included in the proposal.

Proposal prices include all royalties and cost arising from patents, trademarks and copyrights in any way involved in the work. Whenever the Awardee is required or desires to use any design, device, material or process covered by letters of patent or copyright, the Awardee shall indemnify and save harmless the Government of Guam, its officers, agents and employees from any and all claims fro infringement by reason of the use of any such patented design, tool material, equipment or process, to be performed under the contract, and shall indemnify the Government of Guam, its officers, agents, employees for any costs, including litigation costs and attorney's fees through the appellate process, expenses and damages which may be incurred by reason of any infringement at any time during the prosecution or after the completion of work.

5.8 Payment Method and Schedules

Payments will be made by the Government of Guam after receipt and acceptance of proper invoices and processing time specified in Section VIII-General Conditions, par. 3, sec. 3.1.7 Terms of Payment. The Contractor, Developer, Financier should have the ability to guarantee operations for this period of time. The Government of Guam does not pay service charges or interest on late payments, except in accordance with the law.

5.9 Default/Re-award

Any contract resulting from this specification may be cancelled by the Director of Public Works, in whole or in part by a written notice of default to the Contractor, Developer, Financier upon non-performance or violation of contract terms, including the failure of the Contractor, Developer, Financier to deliver materials within the time stipulated in this specifications, unless extended in writing by the Director of Public Works. In the event the contract is cancelled because of the default of the Contractor, Developer, Financier, the Director of Public Works may:

- (i) Purchase the materials or services specified in this specification on the open market; or
- (ii) Make an award to the next best proposer and establish the period of such award, provided such period is no longer than the award period set forth in this specification.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

VI Bidder's Affirmation and Declaration

Before me, the under signed authority who is duly authorized by the law to administer oaths and take acknowledgments, personally appeared

AFFIANT'S NAME

Who, after being duly cautioned and sworn (or who is unsworn if that be the case) and being fully aware of the penalties of perjury, does hereby state and declare, on his own behalf or on behalf of a partnership or corporation, whoever or whichever is the proposer in the matter at hand, as follows:

1. That the Proposer, if an individual, is of lawful age.
2. That if the Proposer is a partnership or a corporation, it has been formed legally and it is duly authorized to do business in Guam.
3. That if the bidder is using a fictitious name, he/she/it has complied with the Fictitious Name Statute of Guam and the United States of America.
4. That the Proposer has not submitted a rigged Bid, nor engaged in collusive bidding arrangement or fraudulent bidding, or corporation making a bid for the same purpose. The Proposer is aware that "Any understanding between persons where one or more agree not to bid, and any agreement fixing the prices to be bid so that awarding of any contract (s) is thereby controlled or affected, is in violation of a requirement for competitive bidding and renders a contract let under such circumstances invalid".
5. That the Proposer is not in arrears to the Government of Guam upon debt or contract and is not a defaulter, as surety or otherwise, upon any obligation to the Government of Guam.
6. That no officer or employee of the Government of Guam, either individual or through any firm, corporation or business of which that no officer or employee of the Government of Guam, either individual or through any firm, corporation or business of which he/she is a stockholder or holds office, shall receive any substantial benefit or profit out of the contract or obligation entered into between the Government of Guam and this Proposer or award this Proposer; nor shall any Government of Guam officer or employee have any financial interest in assisting the Proposer to obtain, or in any other way effecting, the award of the contract or obligation of this Proposer.
7. That, by submitting this bid, the Proposer certifies that he/she has fully read and understands the bid method and has full knowledge of the scope, nature, and quality of work to be performed or the services to be rendered.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

FORM OF NON-COLLUSION AFFIDAVIT

AFFIDAVIT

(Prime Bidder)

GUAM)ss

_____, being first duly sworn, deposes and says:

that he is _____
(a partner or officer of the firm of, etc.)

the party making the foregoing bid, that such bid is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by an agreement or collusion, or communication or conference, with any person to fix the bid price of affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Government of Guam or any other bidder, or to secure any advantage against the Government of Guam or any person interested in the proposed contract; and that all statements in bid are true.

Signature of

Bidder, if the bidder is an individual;
Partner, if the bidder is a partnership;
Officer, if the bidder is a corporation.

Subscribed and sworn to before me

this _____ day of _____, 20_____.

NOTARY PUBLIC

My commission expires _____, 20_____.

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
Project No. 700-5-1019-L-YIG

MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT

GUAM)ss.

I, the undersigned, _____, being first
(a partner or officer of the company of, etc., state position)
 duly sworn, deposes and says:

1. That the persons who have held more than ten percent (10%) of the company's shares during the past twelve months are as follows:

Name	Address	Percentage of Shares Held
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Number of Shares:		_____

2. Persons who have received or are entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for which this Affidavit is submitted are as follows:

Name	Address	Amount of Commission Gratuity or Other Compensation
_____	_____	_____

Further, affiant sayeth naught.

Date: _____

 Signature of individual if bidder is a sole proprietorship; Partner, if the bidder is a partnership; Officer, if the bidder is a corporation.

Subscribed and sworn to before me this _____ day of _____, 20_____.

By: _____

Notary Public: _____

In and for the Territory of Guam

My Commission expires on: _____

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
 Project No. 700-5-1019-L-YIG

Project Name
Project No.

TALLY FORM

Consultant	Percentage / Grade (Points)					Total Percentage / Grades (Points)	Remarks
	A	B	C	D	E		

CONCURRED BY:

Evaluator "A"
 (Name)
 (Title)
 (Dept.)

Evaluator "B"
 (Name)
 (Title)
 (Dept.)

Evaluator "C"
 (Name)
 (Title)
 (Dept.)

Evaluator "C"
 (Name)
 (Title)
 (Dept.)

Evaluator "E"
 (Name)
 (Title)
 (Dept.)

WITNESSED BY:

(NAME)
 (Title)
 (Dept.)

(Name)
 (Title)
 (Dept.)

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
 Project No. 700-5-1019-L-YIG

EVALUATION FORM

Project Name: _____

Project No.: _____

Consultant Name: _____

Name of Evaluator "A": _____

Department: _____ Section: _____

Municipal Leasing and Financing Proposal, Part I				
Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
a.	Term Sheet to include all interest charges, fee and expenses	10		
b.	Responsiveness of proposal.	10		
c.	Ability of Lessor to lease to Lessee the facilities described in the Technical Specification, Part II of the RFP.	15		
d.	Ability of Lessor to structure municipal leases from \$50,000,000.00 to over \$300,000,000.00. Please provide examples of the leases financed.	5		
e.	Ability of Lessor to offer suggestions on various arrangements for services and maintenance contracts in support of the upkeep and service of the lease facility. Please provide detail on suggested payment arrangement scenario.	10		
f.	Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.	2		

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
 Project No. 700-5-1019-L-YIG

Municipal Leasing and Financing Proposal, Part I

Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
g	<p>Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable in future years.(Event of non appropriation).</p> <p>Non-Appropriation Clause (defined): In the event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of Non-appropriation shall be deemed to have occurred. If an Event of Non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rentals provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.</p>	5		
h	<p>Ability of Lessor to provide 100% financing for the facility, including design, construction, maintenance and other related costs to complete the projects as per required in the RFP. Please provide examples of experience involved in similar financing.</p>	10		
i	<p>Ability of Lessor to develop a payment schedule that can be structured on an annual basis. Please provide example of payment scenario.</p>	3		
Total percentage/points for the Municipal Leasing and Financing, Part I				

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
 Project No. 700-5-1019-L-YIG

Technical Specifications, Part II				
Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
j.	Company's Experience: Company history, organization and experience in municipal leasing, design, construction, maintenance as per required in the RFP.	15		
k.	Resources and Availability: Architectural-Engineering designers, consultant, construction managers, contractors, subcontracts, quantity of personnel, equipments that will be assigned to projects as per required in the RFP.	15		
Total percentage/points for the Technical Specifications, Part II				
Total percentage/points for the Municipal Leasing and Financing, Part I and Technical Specifications, Part II				

Note: If necessary, those firms placed on a "short list" after review of technical, management, financial background and references, shall be personally interviewed. At this time each proponent shall be expected to introduce each Project Manager and Technical Manager proposed for the project. The Project Manager shall verbally review their technical plans and strategy for completing the work proposed.

Evaluator "A" Signature

 Date

REQUEST FOR PROPOSAL

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML) Part 1
 Project No. 700-5-1019-L-YIG

**CONSTRUCTION OF NEW SCHOOL AT MARBO BASE
COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN, LEASEBACK (FDBML),
PART II
TECHNICAL SPECIFICATIONS**

PROJECT NO. 700-5-1019-L-YIG

**FELIX P. CAMACHO
Governor of Guam**

Prepared by:

**Department of Public Works
Government of Guam**

2005

**CONSTRUCTION OF NEW SCHOOL AT MARBO BASE
COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN, LEASEBACK (FDBML),
PART II
TECHNICAL SPECIFICATIONS
PROJECT NO. 700-5-1019-L-YIG**

**FELIX P. CAMACHO
Governor of Guam**

Prepared by:

**Department of Public Works
Government of Guam**

2005

APPROVED BY:

**LAWRENCE P. PEREZ
Acting Director**

**CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN
YIGO
FINANCE, DESIGN, BUILD, MAINTAIN, LEASEBACK (FDBML), PART II
TECHNICAL SPECIFICATIONS**

PROJECT NO. 700-5-1019-L-YIG

TABLE OF CONTENTS

	<u>Page</u>
1. Request For Proposal	RFP
2. Instructions to Bidders	IB-1
3. General Statement of Work	GSOW-1
4. Attachment "A"	1 to 3
5. Attachment "B"	1 to 10
6. Attachment "C"	1 to 6
7. Special Provisions	SP-1
8. General Conditions	GC-1
9. Prevailing Wage Rates	PWR-1

INSTRUCTIONS TO BIDDERS

1. RECEIPT AND OPENING OF PROPOSAL

Sealed bids in five (5) sets, will be received by the Department of Public Works at the Contracts Section Administrative Services until _____ 2005.

Bids shall be made on the forms furnished by the Department of Public Works and shall be enclosed in a sealed envelope addressed to the Director of Public Works, Government of Guam, 542 North Marine Drive, Tamuning, Guam 96913 and endorsed with the name of the bidder and the title "**Construction of New School at Marbo Base Command in Yigo, Finance, Design, Build, Maintain, Leasback (FDBML)**".

Attention is called to the fact that bidders not only offer to assume the obligations and liabilities imposed upon the Contractor in the form of contract, but expressly make certain of the representations and warrants made therein. No effort is made to emphasize any particular provision of the contract, but bidders must familiarize themselves with every provision and its effect.

2. TIME OF COMPLETION

The Contractor shall commence work on the date specified in the Notices to Proceed. The design phase shall be completed within **forty five calendar days (45)** and **construction phase shall be completed within ninety (90) calendar days**, complete and ready for use. In the event the Contractor does not complete the work within the time specified, liquidated damages will be assessed as per par. 5.9, under Financing, Part I of FDBML.

3. PLANS AND SPECIFICATIONS

This Request for Proposal for bids consists of the following documents:

- a) Request for Proposal Documents
 1. Request for Proposal
 2. Instructions to Bidders

- b) Bid Submittal Documents for Request for Proposal, Part II
 1. Bid
 2. Bid Form

INSTRUCTIONS TO BIDDERS

Construction of New School at Marbo Base Command in Yigo
Project No. 700-5-1019-L-YIG

4. NON-COLLUSION AFFIDAVIT

Each person submitting a bid for any portion of the work covered by the bid documents shall execute an affidavit, in the form provided with the bid, to the effect that he has not colluded with any other person, firm or corporation in regards to any bid submitted. Such affidavit shall be attached to the bid.

5. RIGHT TO ACCEPT AND REJECT BIDS

The Government of Guam reserves the unqualified right, in its sole and absolute discretion, to reject any and all bids, or to accept that bid or combination of bids, if any, which in its sole and absolute judgment will under all circumstances best serve the Government's interests. In the event that the successful bidder fails to execute the contract upon his part, the Government reserves the option to accept the bid of any other bidder within ten (10) working days from such default, in which case such acceptance shall have the same effect as to such bidder as though he was the originally successful bidder.

6. METHOD OF AWARD

a) The contract will be awarded to the most responsible and responsive bidder/proposer whose proposal meets the needs of the Government of Guam to the best degree.

7. REPRESENTATION REGARDING GRATUITIES AND KICKBACKS

The bidder, offeror or contractor represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in Section 11-206 (Gratuities and Kickbacks) of the Guam Procurement Regulations.

8. REPRESENTATION REGARDING ETHICAL STANDARDS FOR GOVERNMENT EMPLOYEES AND FORMER GOVERNMENT EMPLOYEES

The bidder, offeror or contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a government employee to breach any of the ethical standards set forth in Chapter 11 (Ethics in Public Contracting) of the Guam Procurement Act.

9. DISCLOSURE OF MAJOR SHAREHOLDERS:

a) As a condition of bidding, any partnership, sole proprietorship or corporation

INSTRUCTIONS TO BIDDERS

Construction of New School at Marbo Base Command in Yigo
Project No. 700-5-1019-L-YIG

doing business with the Government of Guam shall submit an affidavit executed under oath that lists the name and address of any person who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12)-month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole proprietorship or corporation which have been held by each such person during the twelve (12)-month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall be open and available to the public for inspection and copying. **Failure by any bidder to submit the affidavit concerning commissions paid shall be deemed non responsive and cause for rejection of the bid upon bid opening.**

10. MISCELLANEOUS:

1. Prohibited Interests

(a) No member of or Delegate to Congress or Resident Commissioner or Governor's Office or Lieutenant Governor's Office or Employees of the Government of Guam and their relatives or immediate family members, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

(b) No official of the Owner who is authorized in such capacity and on behalf of the Owner to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any architectural, engineering, inspection, construction or material supply contract or any subcontract in connection with the construction of the project, shall become directly or indirectly interested personally in this contract or in any part hereof. No officer, employee, architect, attorney, engineer, or inspector of or for the Government of Guam authorized to exercise any legislative, executive supervisory or other similar functions in connection with the construction of the project, shall become directly or indirectly interested personally in this contract or in any part thereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to the project.

INSTRUCTIONS TO BIDDERS

Construction of New School at Marbo Base Command in Yigo
Project No. 700-5-1019-L-YIG

Request for Proposal
Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II

TECHNICAL SPECIFICATIONS

Project No. 700-5-1019-L-YIG

GENERAL STATEMENT OF WORK

I. INTRODUCTION

This Statement of Work describes the Scope of Work required of the Proposer's design team in providing the architectural and engineering services for the preparation of reports, plans, specifications, and estimates (PS&E) and other supporting data for the construction of new high school. This also provides the schedules for the different tasks, items to be submitted by the Consultant and other contractual obligations of the Government and the Proposer.

II. PROJECTS DESCRIPTIONS AND LOCATIONS

The project involves the preparation of an Environmental and Archeological Assessments; Plans, Specifications & Estimates (PS&E); and other supporting documents for the construction of the new high school.

Tasks 1 and 2, (Assessments and Conceptual Plans) of the Project involves those investigative and study requirements, which must be undertaken to adequately assess the existing condition of the site and form the basis of subsequent design activities. It also involves the development of Conceptual Plans, at least two concepts for the new high school.

Tasks 3, 4, and 5 (Preliminary, Pre-Final, and Final PS&E) of the Project involves the development of Preliminary PS&E incorporating comments and decisions resulting under Tasks I and II. Tasks III and IV work will further refine the various elements of the PS&E and incorporate all review comments by the reviewing agencies. Task V is the final construction plans.

The location of the new school will be at Marbo Base Command in Yigo of Guam's public schools identified in the DOE ten year facilities capital plan.

III. SCOPE OF WORK

The Design Team shall provide the archeological, environmental, architectural and engineering services for the different tasks described below and furnish the required reports and PS&E's for the schools.

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

All entry permits in conjunction with the services shall be the responsibility of the design team/offeror. Right of entries to government lands will be provided by DPW.

The design team shall coordinate his work with the agencies, Local or Federal, having jurisdiction in permit review and approval. It shall be the responsibility of the design team to ensure that all requirements of the new schools conform to the requirement of Federal and Local laws.

Progress review meetings shall be held monthly to review progress and discuss any design issues or problems. The meetings shall be held at the firm's office or Public Works office on a mutually agreed schedule.

TASK 1. Site Evaluation

1A. Environmental Assessment:

Conduct an environmental assessment of the existing physical and biological conditions of the school sites and its vicinity. An environmental report shall be prepared separately for the new high school.

The design team shall evaluate physical factors such as environmental constraints of the proposed development. The Environmental Assessment shall be complete and subject to review and approval by the Guam Environmental Protection Agency and U.S. Environmental Protection Agency.

Possible Environmental Concerns at New Schools Sites:

- A. Northern groundwater lens. Storm runoff resulting within the school property must be contained within the site with the use of ponding basins or underground infiltration cells.
- B. Radon gas arising from coral rock substrate. Design of buildings must incorporate protective measures from toxic radon gas.
- C. Water wells with chlorinators.

Proposer must plan for the management of solid wastes generated, including disposal of green waste from clearing of vegetation on sites and debris from demolition of buildings and construction. A demolition and disposal plan for sites requiring demolition shall be prepared and submitted for approval. The plan shall address the type of solid waste materials generated and their proper disposal. Recycling and reuse of waste generated is encouraged.

All school's design should follow facilities design that encourage recycling of solid waste and reuse efforts as part of school operations.

Environmental assessment reports shall be prepared separately for each class of school addressing the items listed above to include maps, data sheets, tables, (check) list, graphs,

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

photographs, references, and other documentation to support the findings and environmental mitigation measures.

Ten copies of the environmental assessment reports shall be submitted.

1B. Archeological Assessment.

Historic Resources Division of the Department of Parks and Recreation confirmed that none of the properties slated for the new schools have recorded archeological and historical sites in their site inventory. The northern sites, ie. Adacao, Liguana, Batulu, Astumbo, Luayao and Wettengel are in area of the island that is usually sparse in terms of archeological sites, with limited distribution of pottery scatters being the dominant site type.

For the **Northern Sites** an Inventory level survey and report will be required.

This involves archeologists walking over the project property, on foot and recording the locations of any historic or prehistoric materials. Detailed descriptions are made of any sites, maps are drawn and photographs taken if features or structures are encountered, GPS locations of features/sites are recorded, and shovel test are conducted as indicated by the surface findings. The final report should minimally contain sections on geographic location, environment, historic cultural context, previous findings in the area, field methods used, findings from survey, analyses done, significance of any sites found, recommendations, and references.

Archeological reports shall be prepared for the new high school. Ten copies of the reports shall be submitted.

1C. Planimetric and Topographic Survey.

Perform an as-built planimetric and topographic survey and prepare a topographic map with one-foot contour interval of the school property. Include sufficient area to address the schools development area and adjacent properties to properly analyze all engineering aspect of the development, such as drainage patterns, utilities onsite and offsite, access roads, modifications to existing roads, pedestrian walkways, trails, etc.

Conduct a thorough property research to include adjacent properties, rights of way and/or easements. Lot numbers and property ownership shall be shown on the map.

Survey work shall be under the direct supervision of a Guam Registered Land Surveyor.

Ten copies of the Planimetric and Topographic map shall be submitted.

1D. Soil Investigation.

Perform the necessary soil investigation to properly design the school building foundations, ponding basins and infiltration cells, embankment and cut slopes, drainage channels,

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

ground covers, underground utilities, etc. It shall include determination of any earthquake faults and its effect on the schools design.

A soil report shall be prepared for the new high school. Ten copies of the reports shall be submitted.

TASK 2. Conceptual plans.

The design team shall develop two alternative conceptual plans for each school site showing the civil and architectural layout of all school facilities and grounds development standards as identified in the technical specifications for each school. It shall include all offsite development, such as proposed access roads and any modifications to existing roadways or pedestrian facilities, utilities, landscaping, etc. It shall include concept buildings elevations (front, side, and rear elevations), and an architectural rendering depicting the type of structure, color schemes, and structures orientation relative to grounds improvements.

The new high school buildings shall be concrete structures. The existing **Astumbo Elementary School and/or Machananao Elementary School** are the recommended reference school building for this project. A copy of the Astumbo Elementary School or Machananao Elementary School plans are available for review only at the DPW Engineering Division.

Ten copies of the conceptual plans shall be submitted.

The design team shall conduct a conceptual presentations to all reviewing agencies upon submittal of the conceptual plans. The presentation shall address all architectural and engineering aspects of the project. A walk-through field overview for each school site shall also be conducted by the design team with the reviewing agencies following the presentation(s) of the conceptual plans. Prior to the Walk-Through reviews the design team shall mark with survey flags the approximate buildings footprints, athletic fields, parking lots, access roads, and other prominent structure or facility of the school. Walk-paths shall be sufficiently cleared of vegetation to conduct the walk-through reviews.

TASK 3. Preliminary Plans, Specifications, and Estimates

Upon selection of the schools concept a separate set of PS&E shall be prepared for each school site. The preliminary PS&E's shall be develop to at least 50% complete and the following shall be prepared.

A. PLANS:

- 1 Title Sheet.
2. Civil Design:

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

D. MAINTENANCE AND CUSTODIAL PLAN

Post Construction Facilities Maintenance and Custodial Operations Plan - The design team shall prepare a complete operations manual for each school for the required post construction monitoring, maintenance, and custodial operations of the school facilities. The plan shall address the operational and/or maintenance of the buildings, equipments, landscaping, the drainage system, all outdoor facilities, and for any facility appurtenances for the proper operation of the school.

Ten (10) copies of the preliminary PS&E and design calculations, and the Maintenance and Custodial Plan shall be submitted. A "plans-in-hand" field reviews to be jointly conducted by the Government and Design Team shall be scheduled by the offeror after submittal of preliminary PS&E. Prior to the Plans-in-Hand reviews the design team shall mark with survey flags the approximate buildings footprints, athletic fields, parking lots, access roads, and other prominent structure or facility of the school. The school sites shall be sufficiently cleared of vegetation to conduct the plans-in-hand reviews.

The Design Team's key personnel shall participate in the Plans-in-Hand field reviews and resolution meetings to resolve all comments on the project. The Design Team shall be responsible for the preparation of the "Minutes of Meeting" for approval and distribution by DPW.

TASK 4. Pre-Final Plans, Specifications, and Estimates

The Pre-Final PS&E shall be 100% complete incorporating all approved comments from the preliminary PS&E, and the Maintenance and Custodial Plan. Ten copies of the following shall be submitted:

1. Plans - Complete plans, including title sheet, summary of quantities and schedules, details cross sections, etc.;
2. Technical specifications - Complete technical specifications to properly construct each item of work, including test procedures required, and any special conditions to be required;
3. Estimates - Each item of work shall be supported with a detailed quantity take-off computation and corresponding cost analysis for each item of work. Any lump sum cost shall also be supported with detailed breakdown arriving to the lump sum cost;
4. Design Analysis and computation sheets;
5. CPM schedule to establish project construction activities within the specified construction time.
6. Maintenance and Custodial Plan.

The Firm's key personnel shall participate in the resolution meeting to resolve all comments on the submittal. Prepare a "Minutes of Meetings" for approval and distribution by DPW.

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

TASK 5. FINAL PS&E

After approval of the Pre-Final PS&E, and Maintenance and Custodial Plan submit five (5) copies for final review. Upon approval of the final PS&E, and Maintenance and Custodial Plan submit one original, five sets of PS&E and Maintenance and Custodial plan, and two copies of other items listed below:

1. Plans
2. Specifications
3. Estimates
4. Quantity take-off and computation sheets
5. Unit price analysis
6. Design analysis and computations
7. CPM Schedule
8. Maintenance and Custodial Plan

An electronic non-PDF workable file in AUTO CADD format, latest version, shall also be submitted in a separate disks for the plans, specifications, and estimates; and Maintenance and Custodial Plan for each school.

IV PLANS AND DRAFTING

1. The PS&E be prepared in conformance with the standard format furnished by the Government.
2. Plan size shall be 24" x 36".
3. All plans and details shall be legible when reduced to one-half size plans (50% reduction). The minimum size of alphanumeric text on the reduced plans shall be 1/8".
4. Design Phase completion time shall be within **forty five (45) calendar days**.

V CONSTRUCTION SCHEDULE

Upon completion and approval by the Government of each PS&E's the government will hold a preconstruction conference and issue a Notice To Proceed. The construction time for new high school at Marbo Cave in Mangilao shall be **ninety (90) calendar days**.

A building permit must be secured for the new high school site prior to construction, and an occupancy permit must be secured prior to acceptance of the new high school.

VI DESIGN CODES/GUIDES AND REFERENCES

All services shall be performed in accordance with the general criteria contained in the following references:

- a. Building Law, Title XXXII, Government Code of Guam
- b. International Building Code (2000 Edition)

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

- c. Uniform Mechanical Code (Latest Edition)
- d. International Plumbing Code (Latest Edition)
- e. National Electrical Code(NEC- Latest Edition)
- f. National Electrical Safety Code (NESC- Latest Edition)
- g. Life Safety Code (Latest Edition)
- h. Uniform Fire Code (Latest Edition)
- i. Illuminating Engineering Society (IES)
- j. American Disability Act
- k. GEPA, USEPA, CFR29
- l. A policy on Geometric Design of Highways and Streets
- m. All other codes, regulations, technical publications and design manuals applicable in the performance of this RFP
- n. Guam Energy Code

VII GOVERNMENT REVIEWING AND APPROVING AGENCIES:

- a. Department of Public Works
- b. Guam Environmental Protection Agency
- c. Department of Land Management
- d. Guam Telephone Authority
- f. Guam Power Authority
- g. Guam Waterworks Authority
- h. Guam Fire Department
- i. Guam Historic Preservation

XI FACILITIES MAINTENANCE AND CUSTODIAL SERVICES

The building maintenance and custodial services phases shall commence upon acceptance of each school and shall continue for a period of twenty (20) years or until the leaseback contract is completed.

Building maintenance include the preventive maintenance of the whole facility (ies), maintenance and replacement of fixed equipments.

Custodial services include all janitorial services, ground maintenance and including disposal of trash.

XII UTILITIES AND ROUTINE MAINTENANCE AND REPAIR

The Education Agency shall be responsible for the connection and payment of all utilities, including, without limitation , power , water, sewer, telephone and cable of the Education Facility.

Routine maintenance, repair and upkeep shall be the responsibility of the Education Agency and / or the Contractor, as provided by the terms of the Contract.

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
 Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
 Project No. 700-5-1019-L-YIG

XIII CONTRACTOR RESPONSIBLE FOR CAPITAL MAINTENANCE

The Contract with the Contractor, and the Lease-Back, shall provide that all capital maintenance and repair of the Education Facility be performed by the Contractor as a separate cost.

The terms by which the contractor is to perform such capital maintenance shall be determined as a part of the bid process and shall be part of the conditions of the Contract. The Contract shall provide sufficient initial funding for the first five (5) years after the completion of the Education Facility.

GENERAL STATEMENT OF WORK

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

Attachment "A"

CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN AND LEASEBACK (FDBML), PART II

TECHNICAL SPECIFICATIONS

Project No. 700-5-1019-L-YIG

I. DESIGN & CONSTRUCTION OF NEW INTERMEDIATE SCHOOL

A. GENERAL:

Intermediate Schools, are organized around learning teams to 140 students each. Each learning team is taught by a group of five (5) teachers in the same number of classrooms. Learning teams are physical units of classrooms grouped together around a central open space; they form the basic organizational structure of an Intermediate School.

Planning, design and construction of the FDBML Intermediate School must be based on 700 student capacity enrollment for each facility.

- **Share Facilities:** Intermediate schools contain significantly more shared facilities than do elementary school facilities, specialized classrooms, and athletic facilities. Parking requirements are also higher, in part because intermediate schools have more community use. In both conceptual plans, shared facilities are grouped together for easy access to and from the classrooms by way of covered walkways.
- **Community Use:** A feature of the Intermediate School layouts is dual entry and drop-off areas, each with its own parking lot. Its primary purpose is to provide separate access to the facilities typically used by the community. During after-school hours, the event parking area and community-use facilities are accessible to the public while other school buildings are closed off to the public. During the school days, the primary entry point is the staff/visitor lot near the administration building. Another advantage of this arrangement is that separate student drop-off areas for automobiles and buses are available, reducing congestion during morning drop-off or afternoon pick-up periods.

B. PLANNING AND DESIGN:

1. Intermediate School Space Standards (see attached documents):
2. DOE Ten Year Capital Facilities Plan has two intermediate school conceptual layouts and Astumbo Elementary School Plan can be site adopt and can be converted to a Intermediate School, Alternative "A" , "B" and "C" are attached to be use as references.

Attachment "A"

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

Alternative “A”: Suburban or Rural Location

This plan can be used as a stand -alone facility or as a shared Intermediate/High School when combined with the High School plan, Alternative A.

- **Classrooms:** Organize classrooms for learning teams around a central open area. Each courtyard area has two teams, and an expansion area is integrated for future addition of two more learning teams.
- **Special Classrooms:** Special education classrooms are integrated into the courtyard configuration, and three additional classrooms for special classes are located nearby. Music, Art, Home Economics, and the larger Special Education classroom are located in a central area that is accessible to all students.
- **Performances and School Events:** Unlike Alternative B, this plan does not include an outdoor covered amphitheater. Therefore, provide some covered stands at the athletic field to accommodate large public events. Add a stage and additional space to the dining hall for smaller performances or school events. When this plan is combined with Alternative A, gathering areas are provided within the shared facilities.
- **Emergency evacuations:**
 - a. *Bomb threats:* Students use the covered athletic field stands when waiting to return to classrooms. Develop a paved or grasscrete pad along the visitor/staff parking lot exit road for student pick-up by bus or by parents.
 - b. *Typhoon Warnings:* Use both the auto and bus drop-off areas for student pick-up.

Alternative “B”: Urban Location

Intermediate schools in urban locations should be located with direct access to a public roadway. School sites near a major highway (Roadways with Route Numbers) provide a wider setback and landscape buffer (20 feet) than is shown in the conceptual plan. Develop a plan that establishes a pedestrian link between the school and its surrounding neighborhood.

- **Classrooms:** Learning teams are organized into two-level courtyard buildings, with one team on each level. Two teams share a central open space. Provide expansion for one additional courtyard building. The special classrooms are integrated into courtyard buildings, and special classrooms

Attachment “A”

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

are located along the main pedestrian corridor. Special Classrooms that require sound isolation and/or large spans and high ceilings are located in the shared facility area.

- **Shared Facilities:** All shared facilities are located between the regular classrooms and the athletic facilities in order to shield classrooms from the noise of PE classes or service activities. The PE lockers are located under the viewing stands.
- **Performances and School Events:** This plan includes both an indoor and outdoor stage attached to the cafeteria. The outdoor stage is attached to a covered outdoor amphitheater that could be used for informal performances or class meetings. Cover the viewing stands.
- **Pedestrian Access:** A two-level covered walkway provides access to the primary academic facilities, and that walkway is connected to a network of walkways connecting all campus facilities. Those shared facilities that could be used by the community (athletic fields, cafetorium, etc.) are all accessible from the pedestrian walkway along the service lane. Plant trees along this walkway in order to make it a pleasant area for public events.
- **Emergency evacuations:**
 - a. *Bomb treats:* The open area near the event parking lot is used as a holding area for students waiting for a parent pick-up. The covered basketball courts or viewing stands could also be used.
 - b. *Typhoon warnings:* Use the two covered pick-up areas at opposite ends of the school.

Alternative "C": Site Adoption & Conversion of Astumbo Elementary School Plan to a Intermediate School.

- A. Buildings: Administration Building and the Cafeteria Roofings must be concrete . Additional Building (s) shall be constructed to conform to the standards for a new intermediate school.
- B. Existing elementary school plans must be modified based on DOE Master Plan, to meet the new standard for the intermediate school and shall be outfitted with new energy saving equipments and lightings.

Attachment "A"

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

3. Security: Provide an attractive fence and gate for the public side of the property. The **Tamuning Elementary School** public side fence shall be used as a reference. Use a security fence and lighting for side and rear perimeter of the property. By using a cleared setback for the security fence, access to/from the fence can be monitored by school personnel.
4. Landscaping: Low maintenance flowering plants, trees, shrubs shall be used to stand up to traffic and weather. Ground covers include bermuda grass and creeping vines such as wedilla.
5. Communication Technology: Capable Telephone, Cable Television, Networking, Internet.

Attachment "A"

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN AND LEASEBACK (FDBML), PART II

TECHNICAL SPECIFICATIONS

Project No. 700-5-1019-L-YIG

INTERMEDIATE SCHOOL SPACE STANDARDS

Attachment "A"

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG

①

General Classroom "A"
900 sf

②

General Classroom "A"
900 sf

③

General Classroom "A"
900 sf

④

General Classroom "A"
900 sf

⑤

General Classroom "A"
900 sf

General Classroom "A"
900 sf

General Classroom "A"
900 sf

General Classroom "A"
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900 sf

General Classroom "A"
900 sf

General Classroom "A"
900 sf

①

Science General
1600 sf

②

Science General
1600 sf

③

Science General
1600 sf

④

Science General
1600 sf

Band

1900 sf

Arts and Crafts

1900 sf

Home Economics

1900 sf

Special Education Resource
810 sf

Special Education Resource
810 sf

Special Education Resource
810 sf

Special Education Resource
810 sf

Choir Room

1500 sf

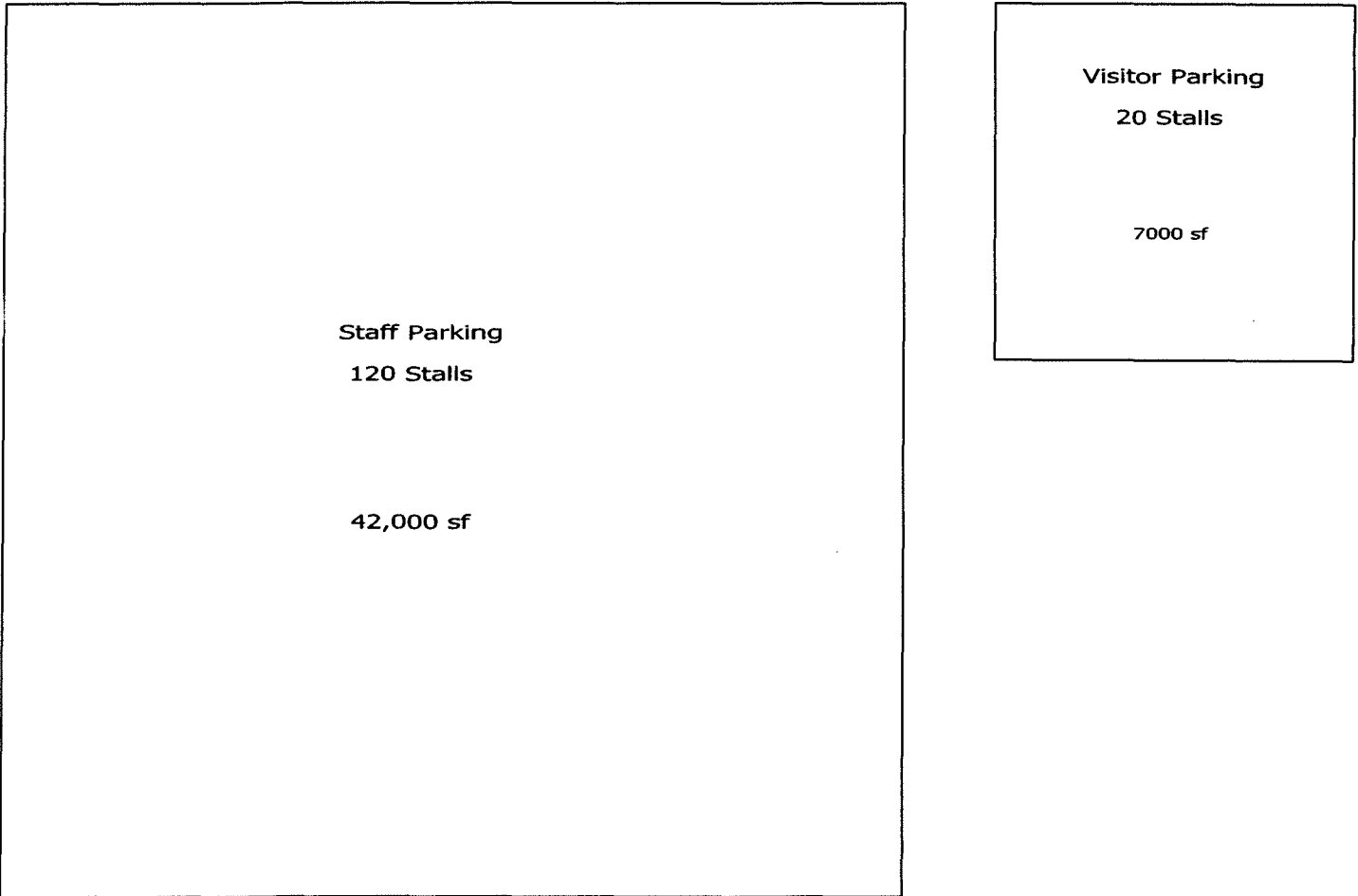
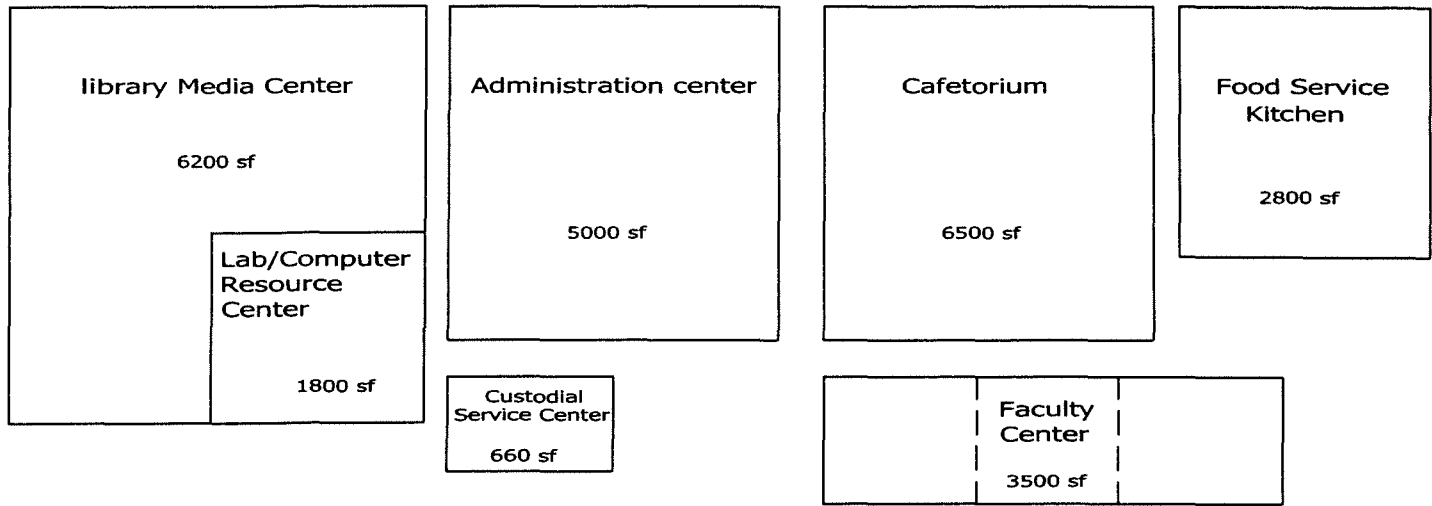
Music Common areas
400 sf

See DOE for Special Classroom Requirements (LOTE, etc.)

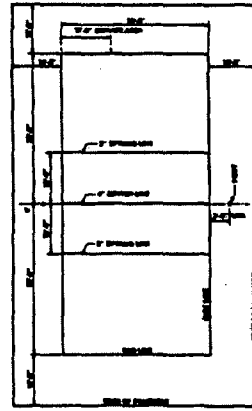
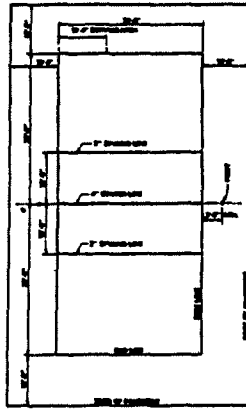
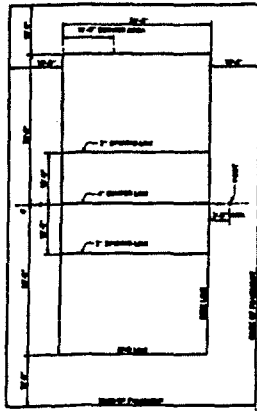
CLASSROOMS

SPACE STANDARDS INTERMEDIATE SCHOOL

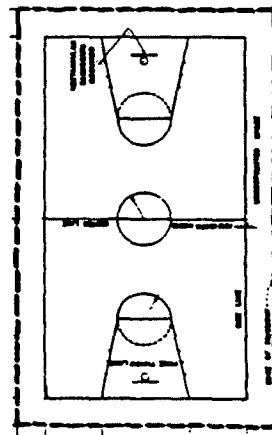
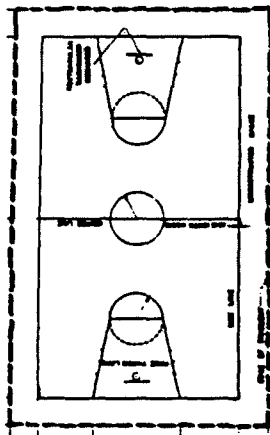
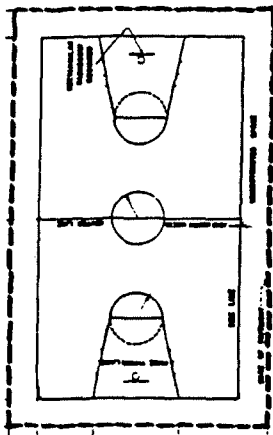
Prepared for Guam Department of Education



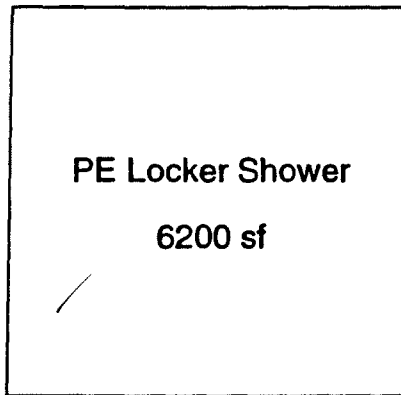
SUPPORT FACILITIES



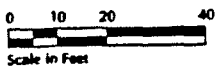
3 Volleyball Courts



3 Basketball Courts



ATHLETIC FACILITIES



CONSTRUCTION OF NEW SCHOOL AT MARBO BASE COMMAND IN YIGO
FINANCE, DESIGN, BUILD, MAINTAIN AND LEASEBACK (FDBML), PART II

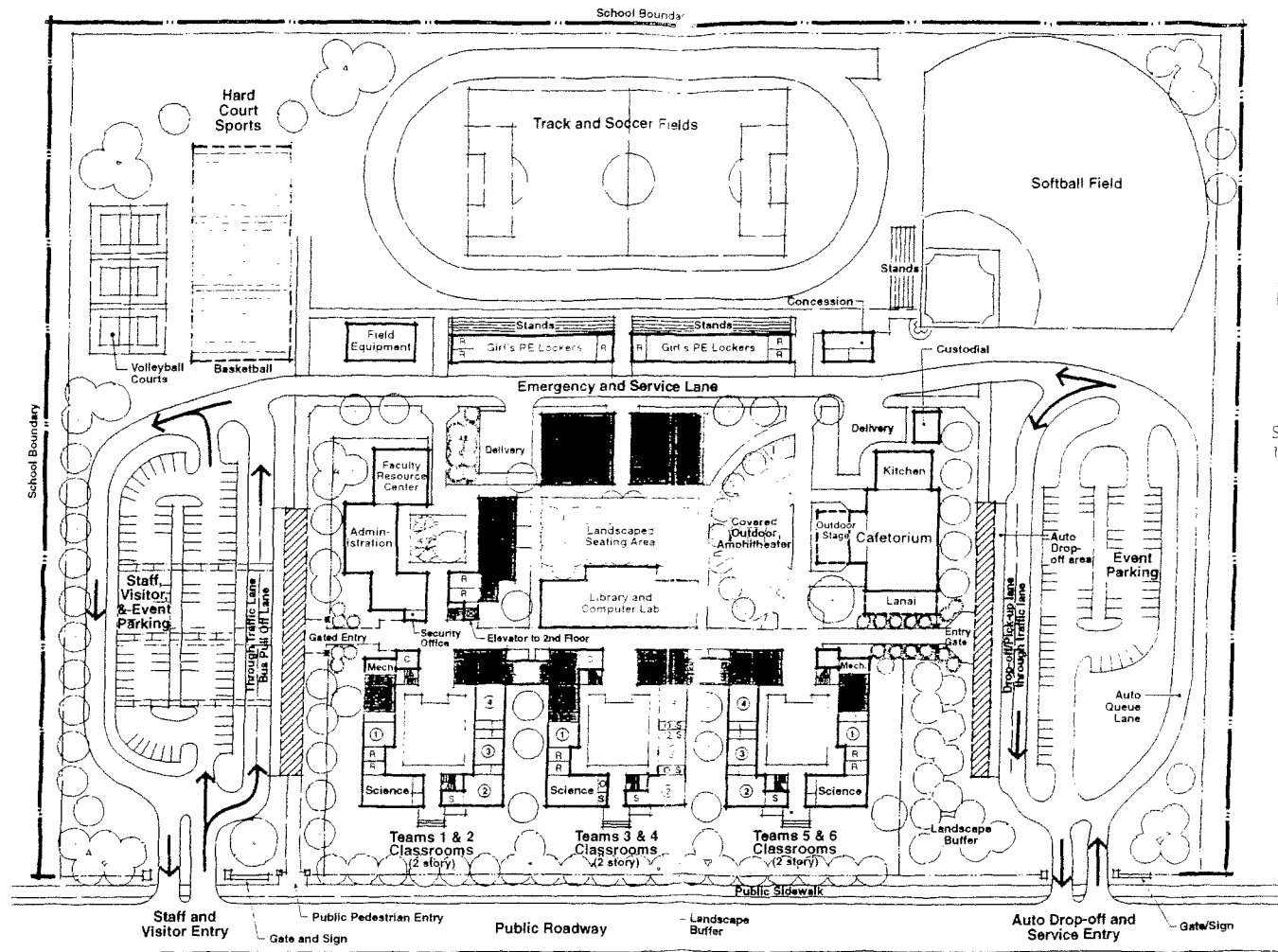
TECHNICAL SPECIFICATIONS

Project No. 700-5-1019-L-YIG

ALTERNATIVE “A” , “B” AND “C”

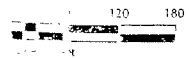
Attachment “A”

Construction of New School at Marbo Base Command in Yigo
Finance, Design, Build, Maintain, Leaseback (FDBML), Part II
Project No. 700-5-1019-L-YIG



- LEGEND
- Special
 - Special Low
 - Shared Facilities
 - General Open Space or Landscape
 - Covered Courts
 - Play Areas Athletic Fields
 - Covered Student Drop-off and Pick-up Area
 - Roads and Parking
 - Pedestrian Walkways
 - C Circulation
 - O Office
 - S Storage
 - R Restrooms

Site = 30 Acres
1 and 2 Story Buildings



State of Hawaii
March 1999

INTERMEDIATE SCHOOL
CONCEPTUAL SITE PLAN
Alternative B (Urban Lot)
March 1999