

JS



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

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Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

April 23, 2010

Honorable Felix P. Camacho
Governor of Guam
Hagatna, Guam 96910



RE: Declaration of Emergency for Food Services

Dear Governor Camacho:

Hafa Adai! We are respectfully requesting your approval for the issuance of a Declaration of Emergency for food services. A Declaration of Emergency is necessary to ensure that there is no break in the provision of food to the students attending our public schools. We continue making our request for Declaration of Emergency because Special Proceedings Case No. SP0168-09 regarding the awarding of the food services contract remains in litigation at this time.

This service will commence for a period of (1) one month from May 1, 2010 – May 31, 2010.

Submitted and attached please find the Certificate of Emergency for continuance of food services for your approval.

Your immediate attention in this matter is appreciated.

Sincerely,

Taling Taitano
TALING TAITANO
Superintendent of Education, Acting

010 MAY 11 PM 3:40

Attachment

Cc: Supply Management Administrator
Deputy Superintendent of Finance & Administrative Services
Ike Fejeran, FNS

5/27/10
36-10-0429

**PROCUREMENT SECTION
RECEIVED**

APR 29 2010

DEPARTMENT OF EDUCATION

TIME: 2:45 pm INITIAL *[Signature]*

1899

OFFICE OF THE GOVERNOR
APR 26 2010
DATE
LEGAL OFFICE

cfid-0410-0373



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CERTIFICATE OF EMERGENCY

WHEREAS, the Organic Act of Guam requires the Government of Guam to provide a free and adequate public education to the students of Guam (48 U.S.C.A. §1421(g)(b)); and

WHEREAS, Public Law 28-45 created the Every Child is Entitled to a Public Education Act; and

WHEREAS, to provide an adequate public education public schools must provide at a minimum a healthful, safe and sanitary learning environment (1 G.C.A. §715(1)); and

WHEREAS, breakfast and lunch is an integral part of providing an adequate education; and

WHEREAS, the continuance of the breakfast and lunch programs is the highest priority; and

WHEREAS, the previous contract for food services ended at the close of school year 2009; and

WHEREAS, the Attorney General has returned the proposed contract for various deficiencies; and

WHEREAS, the students of the Guam Department of Education must be fed while the procurement and funding issues for the food service contract are being resolved; and

NOW THEREFORE, based on the aforementioned laws and need for the students to be fed, I TALING TAITANO, Acting Superintendent, find that the Guam Department of Education is in a state of emergency jeopardizing the education of the students of the Guam Department of Education; and

FURTHERMORE, upon the approval of the Governor, I authorize the emergency procurement of food services as necessary to ensure the continued breakfast and lunch programs in our schools; and

FINALLY, pursuant to 5 G.C.A. §5215 and under penalty of perjury, I certify that the facts stated above are true and that this statement of emergency is not being used solely for the purpose of avoidance of the provisions of Chapter 3 of the Procurement Regulations.

Signed this 27 day of April, 2010.

APPROVED [] DISAPPROVED

TALING TAITANO
Superintendent of Education, Acting

FELIX P. CAMACHO
Governor of Guam

DATE



FW: Continued Food Service Emergency Procurement.

Thursday, April 29, 2010 3:42 PM

From: "John Weisenberger" <jweisenberger@guamattorneygeneral.com>

To: "fred nishihira" <shigeru_jr@yahoo.com>

See below. John.

John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
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From: John Weisenberger
Sent: Friday, April 30, 2010 8:31 AM
To: 'fred nishihira'
Subject: Continued Food Service Emergency Procurement.

Good Morning Fred,

This is as follow up to our conversation yesterday on the April Emergency Procurement.

1. **DOE should forward the Certificate of the Superintendent to the Speaker's Office as required by Section 5215 and regulation 3.13.5.2**
2. A written determination of the basis of the selection of the particular contractor is to appear in the procurement file. DOE regulation requires this to be done by the Superintendent or her designee. Section 5215 and regulation 3.13.5.1

Once I have confirmed that these matters are accomplished I can forward to you a brief memo indicating AG review completed. Thanks Fred for your cooperation. John.

John Weisenberger
Assistant Attorney General

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