

July 29, 2010

VIA HAND DELIVERY

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

30-10-06 ~~57~~
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date _____
Time _____
Received by 9-7/29

2010 JUL 29 AM 11:05
M/M

Re: AN ACT TO REPEAL AND REENACT §58A105 OF TITLE 5 G.C.A.

Dear Speaker Won Pat:

I am writing on behalf of Guam Community Improvement Foundation, Inc. ("GCIF"), and as a follow-up to my letter to you dated July 28, 2010, and after observing the comments made during the Special Session which was held on July 28, 2010.

After listening to the testimony of John T. Brown, a Guam legal commentator on Guam Procurement law, a person with no stake in the dispute, as well as the questions of the Senators and responses thereto, our client is left with the conclusion that the proposed bill is special interest legislation which will only benefit one bidder, which as of this late date is still unqualified due to its failure to secure adequate financing for the JFK project. This special interest legislation also has the negative side effect of undermining a carefully crafted procurement law which up until this date is functioning correctly.

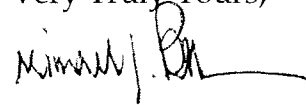
Comments made during the hearing about GCIF's financing preparedness at the time of bidding the JFK project are true. GCIF did in fact attend the bid proposal conference with Department of Agriculture representatives, and GCIF had already secured financing at the time of bidding. It was possible to secure financing at this early date because GCIF used a different method of financing the project, still meeting the requirements of Section 58A of Guam law.



GCIF also notes that if it is given the opportunity to negotiate with DPW, it has the ability and willingness to self-finance the JFK project and will thus have no need for an outside funding source. Keeping the financing in-house will avoid the need for a bond counsel opinion and will not impose a further burden on the debt ratio that Guam now has in the bond market. GCIF will stand by its original bid price, and once a contract has been signed it will begin work immediately thereafter for the same dollar amount as originally offered, assuming the contract terms remain basically unchanged. GCIF points out that if they were awarded the project, no laws would need to be changed to accommodate it.

Should you or your colleagues have further questions or concerns related to this subject please feel free to call on the undersigned or GCIF directly.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael J. Berman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Michael J. Berman