

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Anthony C. Blaz
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 472-4217

Alfred F. Duenas
Deputy Director

33-15-0168
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 2/11/15

Time: 4:16 PM

February 11, 2015

Received By:

2015 FEB 12 AM 11:00 JB

Memorandum

To: Speaker Judith Won Pat
33rd Guam Legislature
From: Chief Procurement Officer
Subject: Emergency Procurement—Certificate of Emergency

Buenas yan Hafa Adai! Pursuant to 5 GCA Section 5215, Attached is a copy of an emergency procurement enabling the General Services Agency to procure drug treatment (multi-drug resistant tuberculosis) for the Department of Public Health and Social Services for a period of thirty (30) days.

If you have any questions, please do not hesitate to contact me at 475-1728.

CLAUDIA S. ACFALLE

attachment

0168



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

JAN 14 2015

MEMORANDUM

TO: Honorable Eddie Baza Calvo, Governor of Guam

FROM: Director, Department of Public Health and Social Services

SUBJECT: Request Approval for Emergency Procurement for Multi-Drug Resistant TB Medications

This is to request for your approval for Emergency Procurement of needed multi-drug resistant tuberculosis (MDRTB) medications which include the following:

- Amikacin, 1gm Inj.
- Moxifloxacin (Avelox), 400mg
- Rifabutin, 150mg
- Cycloserine (Seromycin), 250mg
- Paser Aminosalicylic Acid (PAS), 4gm
- Levaquin, 500mg
- Rifampin (Rifadin), 150mg or 300mg
- Vitamin B6 (Pyridoxine), 25mg or 50mg
- Pyrozinamide (PZA), 1000mg

The need to ensure uninterrupted procurement of all medications listed above to treat one case of MDRTB is critical for the following reasons: the medications are not on the current General Services Agency (GSA) Bid List 018-14; the monthly cost of MDRTB medications is approximately \$4,000; the duration of treatment to cure MDRTB is 18 months of uninterrupted Direct Observed Therapy; and approximately seven contacts to the MDRTB case require daily treatment of Moxifloxacin, which costs \$699 per month for 12 months, to prevent development of the resistant strain of TB.

The procurement of the MDRTB medications through Emergency Procurement under 5 G.C.A. §5215 is necessary in order to prevent the further spread resistant TB and development of extreme resistant TB which will have detrimental consequences to the health and wellbeing of our island community.

The Department of Public Health and Social Services (DPHSS), Division of Public Health, Bureau of Communicable Disease Control is working with the GSA to procure the MDRTB medications.


I certify under penalty of perjury that the facts stated herein are true and that this certificate of emergency is not being used solely for the purpose of avoidance of the provisions of Title 5, Guam Code Annotated, Chapter 5, the Guam Procurement law.

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JAMES W. GILLAN
Director

APPROVED BY:



EDDIE BAZA CALVO
Governor of Guam

Dated: **JAN 23 2015**

cc: Claudia Acfalle, Chief Procurement Officer, General Services Agency



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAN 14 2015

JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

MEMORANDUM

TO: Chief Procurement Officer, General Services Agency
FROM: Director, Department of Public Health and Social Services
SUBJECT: Procurement for Multi-Drug Resistant TB Medications

The Department of Public Health and Social Services (DPHSS) is seeking the General Services Agency's (GSA) assistance to procure needed multi-drug resistant tuberculosis (MDRTB) medications which include the following:

- Amikacin, 1gm Inj.
- Moxifloxacin (Avelox), 400mg
- Rifabutin, 150mg
- Cycloserine (Seromycin), 250mg
- Paser Aminosalicylic Acid (PAS), 4gm
- Levaquin, 500mg
- Rifampin (Rifadin), 150mg or 300mg
- Vitamin B6 (Pyrodoxine), 25mg or 50mg
- Pyrozinamide (PZA), 1000mg

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The need to ensure uninterrupted procurement of all medications listed above to treat one case of MDRTB is critical for the following reasons: the medications are not on the current General Services Agency (GSA) Bid List 018-14; the monthly cost of MDRTB medications is approximately \$4,000; the duration of treatment to cure MDRTB is 18 months of uninterrupted Direct Observed Therapy; and approximately seven contacts to the MDRTB case require daily treatment of Moxifloxacin, which costs \$699 per month for 12 months, to prevent development of the resistant strain of TB.

The procurement of the MDRTB medications through Emergency Procurement under 5 G.C.A. §5215 is necessary in order to prevent the further spread resistant TB and development of extreme resistant TB which will have detrimental consequences to the health and wellbeing of our island community.

Should you have any questions, please contact Mrs. Josephine T. O'Mallan, Administrator, Bureau of Communicable Disease Control at 735-7142.

JAMES W. GILLAN

DECLARATION RE COMPLIANCE WITH 5 GCA § 5150

I, James W. Gillan, make this declaration on 1.14.2015
[print name clearly] [enter today's date]
regarding Procurement No. _____, and do hereby **certify under penalty of perjury** that:
[enter procurement no.]

(1) I am the procurement officer (Chief Procurement Officer; Director of Public Works; or head of a purchasing agency) for this procurement;

(2) I have caused an estimate to be made of the cost of the services or supplies being procured, and for which a contract will be entered into or a purchase order will be issued, whichever is appropriate as the case may be;

(3) My estimate of the total cost of the contract or purchase order, whichever is appropriate as the case may be, is [please check one]:

less than \$500,000; or

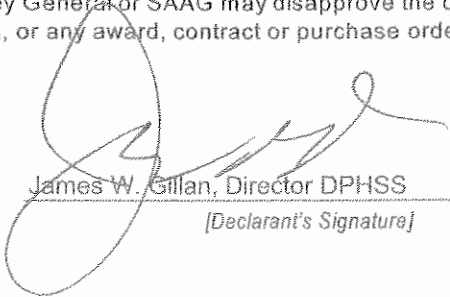
\$500,000 or more;

(4) If the total estimated cost of the procurement is \$500,000 or more, I understand that I must be advised by legal counsel designated by the Attorney General (which may be an Assistant Attorney General or other legal counsel designated as Special Assistant Attorney General ("SAAG") under 5 GCA § 5150) during each and every phase of the procurement process, beginning with the planning stage and before any request for proposal or invitation to bid is issued or notice published, or before any sole source procurement or emergency procurement is undertaken;

(5) If the total estimated cost of the procurement is \$500,000 or more, I understand I may not proceed with any phase of the procurement unless I have been advised by an Assistant Attorney General or a SAAG to proceed;

(6) If the total estimated cost of the procurement is less than \$500,000 initially when the procurement is begun, but the total cost increases to \$500,000 or more at some later point in time, I understand I must contact the Attorney General's Office as soon as I become aware that the procurement will actually cost \$500,000 or more, and that I may not proceed further without the assistance of the Attorney General's Office or a SAAG; and

(7) I understand if I do not comply with the requirements of 5 GCA § 5150 and the Attorney General's Office or a SAAG has not acted as legal counsel during all phases of a procurement estimated to cost \$500,000 or more, the Attorney General or SAAG may disapprove the contract, or the procurement may be subject to cancellation, or any award, contract or purchase order made or entered into may be subject to termination.


James W. Gillan, Director DPHSS

[Declarant's Signature]

(h) Bond Forms. The Policy Office shall promulgate by regulation the form of the bond or other bid security required by this Section together with any additional regulations necessary for the administration of this Section. Any person may request and obtain from the Government of Guam a certified copy of a bond upon payment of the cost of reproduction of the bond and postage, if any. A certified copy of a bond shall be prima facie evidence of the contents, execution and delivery of the original.

SOURCE: Added by P.L. 27-127:2. Subsection (c) amended by P.L. 29-019:VI:87 (Sept. 29, 2007).

§ 5213. Small Purchases.

Any procurement not exceeding the amount established by regulation may be made in accordance with small purchase procedures promulgated by the Policy Office, provided, however, that procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section.

SOURCE: GC § 6959.3. MPC § 3-204.

§ 5214. Sole Source Procurement.

A contract may be awarded for a supply, service, or construction item without competition when, under regulations promulgated by the Policy Office, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer above the level of the Procurement Officer determines in writing that there is only one source for the required supply, service or construction item.

SOURCE: GC § 6959.4. MPC § 3-205.

§ 5215. Emergency Procurements.

Notwithstanding any other provision of this Chapter, the Chief Procurement Officer, the Director of Public Works, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions as defined in regulations promulgated by the Policy Office; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances, and further provided that the procurement agent must solicit at least three (3) informal price

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quotations, if time allows must give notice to all contractors from the qualified bid list who have provided the needed supplies and services to the government within the preceding twelve (12) months, and must award the procurement to the firm with the best offer, as determined by evaluating cost and delivery time. No emergency procurement or combination of emergency procurements may be made for an amount of goods or supplies greater than the amount of such goods and supplies which is necessary to meet an emergency for the thirty (30) day period immediately following the procurement. A written determination of the

basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The requirements for a written determination for the emergency shall be met if the procurements are being made on the basis of the Governor's declaration of an emergency situation by Executive Order if such Order states that emergency procurement may be resorted to for the purposes of the Order. Unless authorized by an Executive Order declaring an emergency, no emergency procurement may be made except on a certificate made under penalty of perjury by the Chief Procurement Officer, Director of Public Works or the head of a purchasing agency, as the case may be. Certified copies of the certificate shall be sent, prior to award and as a condition thereof, to the Governor and Speaker of the Legislature. The certificate shall contain the following:

- (a) a statement of the facts giving rise to the emergency;
- (b) the factual basis of the determination that an emergency procurement is necessary; and
- (c) a statement that emergency procurement is not being used solely for the purpose of avoidance of the provisions of this Chapter.

In addition to any other requirement, the Governor must approve in writing all authorizations for emergency procurement.

SOURCE: GC § 6959.5; MPC § 3-206. Amended by P.L. 18-44:23.

2012 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with "Numbers" to "Lowercase Letters" in this section.

§ 5216. Competitive Selection Procedures for Services Specified in § 5121 of this Chapter.

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**Department of Public Health and Social Services
Division of Public Health
Bureau of Communicable Disease Control (BCDC)**

Pg. 1 of 1

REQUISITION

IMPORTANT URGENT

REQUISITION #: Q151713172 *BCDC*
APPROPRIATION: 5100A151713GA008240

TO: PROCUREMENT FACILITIES MGMT. DIVISION ADMINISTRATOR

ENCUMBERED DATE

FEB 11 2015

SUBMITTED BY:

Agustin, Kenneth RC - DPHSS
AUTHORIZED DEPARTMENT REPRESENTATIVE

Kenneth Agustin
SIGNATURE

2/11/2015
DATE

DEPARTMENT/DIVISION: OFFICE OF PLANNING AND EVALUAT REQUEST DATE: 2/11/2015

ITEM NO.	DESCRIPTION OF ITEM	UOM	QTY	UNIT PRICE	AMOUNT
1	AMIKACIN 1000MG/MG 1GM VIALS, 10VIALS/BOX	BX	10	199.00	1990.00
2	MOXIFLOXACIN (AVELOX) 400MG TABLETS, 30TABS/BOTTLE	BT	85	699.00	59415.00
3	RIFABUTIN 150MG/CAPSULES 100CAPS/BOTTLE	BT	5	1629.00	8145.00
4	CYCLOSERINE (SEROMYCIN) 250MG CAPSULES, 30CAPS/BOTTLE	BT	30	509.00	15270.00
5	PAS 4GMS/SACHET 30SACHETS/BOX	BX	10	251.00	2510.00
VENDOR MUST DELIVER A MINIMUM SHELF LIFE OF 2-YEARS EXPIRATION DATE FROM DELIVERY DATE! **REFERENCE EMERGENCY PROCUREMENT #CFD0115-0242; MULTI-DRUG RESISTANT TB MEDS** POC: JOSIE O'MALLAN, BCDC ADM. 735-7142 ZENY LEBITA, PHARMACY, 735-7139					
TOTAL =====>					87330.00

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 PHARMACY

JUSTIFICATION:

VENDOR: M.D. WHOLESAL
MINIMUM 2-YEAR EXPIRATION DATES FROM

REMARKS: CFD0115-0242, JAN. 14, 2015
TIME OF DELIVERY!

** PRINT NAME & SIGN

Tommy C. Taitague **FEB 11 2015**
TOMMY C. TAITAGUE, ASO.
RECEIVED BY DATE
(CERTIFYING OFFICER)

() APPROVAL () DISAPPROVAL
James W. Gillan
JAMES W. GILLAN, Director
APPROVING AUTHORITY (DIRECTOR)

BCDC COORD: *[Signature]* CPHO COORD: *[Signature]* DEP. DIR: _____