

REQUEST FOR PROPOSAL

ISSUING OFFICE:
GENERAL SERVICES AGENCY
GOVERNMENT OF GUAM/
DEPARTMENT OF EDUCATION
P.O. BOX FG, Hagatna, Guam 96910
Tel: 475-1707/1720 * Telefax: 475-1727 / 472-4217

CLAUDIA S. ACFALLE
Chief Procurement Officer

DATE ISSUED: **9/21/2009** **REQUEST FOR PROPOSAL NO.GSA/DOE RFP-022-2009**

RFP FOR: **TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE
DIVISION OF SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES
EDUCATION IMPROVEMENT ACT (IDEA), PART B PROGRAM.**

SCOPE OF WORK: **See Attached Scope of Work**

DESTINATION: GUAM DEPARTMENT OF EDUCATION / SPECIAL EDUCATION DIV.

REQUIRED DELIVERY DATE: ONE (1) YEAR BASIS WITH OPTION TO RENEW ONE (1)
YEAR UPON AVAILABILITY OF FUNDS

FUNDING SOURCE: 100% FEDERAL FUNDS FROM THE PART B GRANT OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

INSTRUCTION TO BIDDERS:

INDICATE WHETHER: ____ INDIVIDUAL ____ PARTNERSHIP ____ CORPORATION

INCORPORATED IN: _____

SUBMITTAL: This RFP shall be submitted with one (1) original and five (5) copies sealed to the issuing office above no later than (Time) **5:00pm, Wednesday**, Date: **October 14, 2009** . Proposals submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and RFP Solicitation for details. This RFP solicitation requires all interested parties to be pre-qualified in order to be considered for award. Therefore you are instructed to submit your "Technical Proposal" at this time. **Do not include "Cost/Price Proposal"**. Cost/Price Proposal negotiations will be based on the rating results, at which time you will be notified.

CONTENT AND PACKAGING REQUIREMENTS: The Technical Proposal shall consist of and be identified as: One (1) Original and Five (5) Copies. A "Letter of Transmittal", signed by an officer or duly authorized representative of the company or firm, shall be attached to and serve as the cover of the Original Proposal. This letter shall be addressed to the Chief Procurement Officer, GSA. The Technical Proposal shall be a Single Sealed package, envelope, or box and bear the RFP Number, the name of the company or firm, the full name and title the point of contact for contract, Telephone, Fax, E-mail numbers, and mailing address of the Offeror.

In consideration to the expense of the Government in opening, tabulating, and evaluating this and other RFP's, and other considerations, the undersigned agrees that this RFP remain firm and irrevocable within **90** calendar days from the submission date.

NAME AND ADDRESS OF OFFEROR:

SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS PROPOSAL:

AWARD: CONTRACT NO.: _____ **AMOUNT:** _____ **DATE:** _____

ITEM **NO(S).** **AWARDED:** _____

CONTRACTING OFFICER:

CLAUDIA S. ACFALLE
Chief Procurement Officer

NAME AND ADDRESS OF CONTRACTOR:

SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS CONTRACT:

GSA GENERAL SERVICES AGENCY
DEPARTMENT OF EDUCATION
Government of Guam
P.O. Box FG, Agana, Guam 96932
Tel: 475-1707/1720 * Telefax: 475-1716-1727; 472-4217

Accountability * Impartiality * Competence * Openness * Value

REQUEST FOR PROPOSAL (RFP) NO. : GSADOE RFP-022-2009

DESCRIPTION: TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA), PART B PROGRAM

SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS

Offeror are reminded to read the Request for Proposal Solicitation and Instructions, and General Terms and Conditions attached to the RFP to ascertain that all of the following requirements checked below are submitted in the RFP enveloped, with one (1) original and five (5) copies, at the date and time for proposal submission.

- () **BID GUARANTEE (15% of Bid Amount) May be in the form of;**
Reference #11 on the General Terms and Conditions
 - a. Cashier's Check or Certified Check
 - b. Letter of Credit
 - c. Surety Bond – Valid only if accompanied by:
 - 1. Current Certificate of Authority issued by the Insurance Commissioner;
 - 2. Power of Attorney issued by the Surety to the Resident General Agent;
 - 3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.

- (X) **STATEMENT OF QUALIFICATION**

- () **BROCHURES/DESCRIPTIVE LITERATURE;**

- (X) **AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:**
 - a. Date of signature of the person authorized to sign the bid and the notary date must be the same.

- (X) **OTHER REQUIREMENTS:**
Non-Collusion Affidate, U.S. DOL Wage Determination & Restriction against Sex Offenders Affidavit, No Gratuities or Kickbacks Affidavit, and Ethical Standards Affidavit

This reminder must be signed and returned in the Technical Proposal envelope together with the proposal package. Failure to comply with the above requirements may be cause for disqualification and or rejection of the proposal.

On this _____ day of _____, 2009, I, _____, authorized representative of _____ acknowledge receipt of this special reminder to prospective offeror with the above referenced RFP.

Proposal Representative's Signature

**GENERAL SERVICES AGENCY/DEPARTMENT OF EDUCATION
REQUEST FOR PROPOSAL**

GSA/DOE RFP- 022 -2009

**TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF
SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES EDUCATION
IMPROVEMENT ACT (IDEA), PART B PROGRAM.**

1. Service Required:

The GSA/DOE is soliciting Proposals from qualified entities or individuals interested in providing Technical Assistance and Training Support for GUAM DEPARTMENT OF EDUCATION (GDOE), DIVISION OF SPECIAL EDUCATION, PART B Program.

GDOE, Division of Special Education, Part B Program receives IDEA Part B funds to provide special education and related services for children and youth with disabilities ages 3-21, in accordance with the IDEA regulations. GDOE has also received American Recovery and Reinvestment Act (ARRA) funds granted under 611 of IDEA. Based on the GDOE's ARRA use of funds plan submitted to the U.S. Office of Special Education Programs (OSEP), GDOE has prioritized specific Technical Assistance and Training activities targeting specific improvement strategies identified in Guam's IDEA Part B State Performance Plan to improve results for children and youth with disabilities receiving special education and related services.

2. Description of the Work Involved:

The successful individual(s) or firm (s) will provide professional services to GDOE, Division of Special Education, Part B Program. The selected individual(s) or entity will be responsible for working in collaboration with GDOE Division of Special Education Program personnel to provide services in the development and implementation of prioritized professional development services and technical support.

A preliminary Scope of Services that describes the work to be accomplished is contained in the General Scope of Services section. Upon selection of the entity or individual(s), the scope of services may be modified and refined during the fee negotiations with GDOE.

1. All proposals and specifications shall be in writing in order to determine its validity prior to entering negotiations.
2. The successful vendor will provide professional services to GDOE. The selected vendor will be responsible for working in collaboration with GDOE's Division of Special Education, Part B Program and are certified professionals with experience and expertise in serving children and youth with disabilities.
3. The successful vendor shall ensure that appropriately qualified professionals provide services in compliance with all applicable IDEA Part B regulations, as stated in 34 CFR Part 300, and all applicable local government standards or regulations to eligible children and youth with disabilities.
4. A preliminary Scope of Services that describes the work to be accomplished is contained in the General Scope of Services section.

3. Time, Fee, and Duration of the Work Involved:

It is anticipated that the services contained in Item C, will be on a yearly basis with the option to renew for up to one (1) additional one (1) year period subject to availability of funds and certification from fiscal year to fiscal year.

4. Type of Contract:

A Professional Services agreement will be consummated between the most responsible entity or individual(s) and GDOE, Division of Special Education, Part B Program. Time is of the essence. Inordinate delays, as determined by GDOE, in obtaining information regarding the present status may result in the selected vendor to be determined as non-responsive.

5. Submittal Date:

Proposals, and the required number of copies, must be submitted in writing to the attention of the Chief Procurement Officer, and must be received **no later than 5:00 P.M. Guam time, Monday, October 14, 2009.**

Telegraphic bid or other electronic transmissions will NOT be considered.

6. Forms of Submittal:

Interested entities or individual(s), in performing the scope of services outlined, are required and must submit a written proposal with one (1) original and five (5) copies marked plainly to:

**GENERAL SERVICES AGENCY/
DEPARTMENT OF EDUCATION**

GSA/DOE RFP-022-2009

**TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF SPECIAL EDUCATION,
INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA), PART B PROGRAM**

“Technical Proposal”

To the successful offeror. Only one separate sealed envelop shall be submitted with a schedule of proposed Budget Plan. The sealed envelop shall be marked plainly:

**GENERAL SERVICES AGENCY/
DEPARTMENT OF EDUCATION**

GSA/DOE RFP-022-2009

**TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF SPECIAL EDUCATION,
INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA), PART B PROGRAM**

“Cost/Price Proposal”

The sealed envelope containing the respondent's proposal and fee shall also indicate the respondent's name, RFP number, date and time of the proposal submission.

7. Trade Secrets and Proprietary Date:

Offerors may designate those portions of their proposal that contain trade secrets or proprietary data, which are confidential.

8. Content of the RFP:

At a minimum, the proposal shall contain:

1. The name of the offeror, the location of the offeror's principal place of business; and
2. The training experience related to best practices and proven scientifically based evaluations in the field of above requested services of the key person(s) that would be assigned to perform the services contained in the General Scope of Services; and
3. The training experience related to performance data requirements that are specific to special education; and

4. The training experience related to the U.S. Office of Special Education Programs (OSEP) federal grants requirements or other federal grants; and
5. A written plan that the individual or firm will undertake to accomplish the objectives of the Part B Program and the work described in the General Scope of Services; and
6. Any additional information as contained in the General Scope of Services section.

9. Evaluation:

After the receipt of all proposals, a Selection Committee established by GDOE will evaluate and rank all proposals, and determine the most responsive and responsible offeror based on the criteria and point evaluation.

Note: Offeror may be requested to be interviewed by the Selection Committee, if deemed necessary.

10. Selection of the Best Qualified Offerors:

After conclusion of validation of qualifications, evaluation, and discussion as provided in *Sections 3.9.20.5 (Discussions of Unpriced Technical Offers) and 3.14.9 (Discussions)* of the Guam Department of Education Procurement Regulations (GDOEPR), a Selection Committee shall select, in the order of their respective qualification ranking, no fewer than three (3) acceptable firms (or such lesser number if less than three (3) acceptable proposal were received) deemed to be the best qualified to provide the required services.

The final selection shall be approved by the Superintendent of Education and the Chief Procurement Officer. The individual(s) or Firm selected must show evidence that it is licensed to conduct business on Guam. Inordinate delays, as determined by the GDOE, in obtaining information regarding the present status may result in the selectee to be determined non-responsive.

11. Submission of Cost or Pricing Data:

The offeror determined to be best qualified shall be required to submit cost or pricing data at a time specified prior to the commencement of negotiations in accordance with GDOEPR Section 3.18. (Cost or Pricing Data) of these Regulations.

12. Failure to Negotiate Contract with Best Qualified Offeror:

Upon failure to negotiate a contract with the best-qualified offeror, the Superintendent of Education or the designee of such officer may enter into negotiations with the next most qualified offeror.

GENERAL SERVICES AGENCY/
DEPARTMENT OF EDUCATION
REQUEST FOR PROPOSAL

GDOE RFP-022-2009

GDOE – DIVISION OF SPECIAL EDUCATION
TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF
SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES EDUCATION
IMPROVEMENT ACT (IDEA), PART B PROGRAM

SPECIAL GENERAL PROVISIONS

A. General Intent:

GSA/DOE is soliciting proposals from qualified individual(s) or entity to provide Technical Assistance and training with the implementation and evaluation of prioritized improvement activities identified in Guam's Part B State Performance Plan (SPP) and Annual Performance Report (APR) submitted to OSEP.

B. Proposal Instruction:

Issuing Agency:

Communications throughout the duration of **GSA/DOE RFP-022-2009** are to be directed to:

Ms. Claudia S. Acfalle
Chief Procurement Officer
General Services Agency/
Department of Education
Phone No.: (671) 475-1707/1720
Fax No.: (671) 475-1727/472-4217

Physical Address:
General Services Agency
148 Route 1, Marine Drive
P.O. Box FG
Piti, Guam 96915

All communications shall reference Request for Proposal number: **GSA/DOE RFP-022-2009**. Directed elsewhere may result in the disqualification of the respondent. Only written communication from the Chief Procurement Officer or his designee may be relied upon.

Deadline for Proposals:

All inquires must be submitted in writing to the attention of the Chief Procurement Officer and must be received **no later than 5:00 P.M., Wednesday Guam time October 14, 2009.**

C. General Scope of Services:

The following section specifies the proposed services GDOE, Division of Special Education, Part B Program expects to be adhered to in the implementation and evaluation of prioritized improvement activities identified in Guam's Part B State Performance Plan (SPP) and Annual Performance Report (APR) submitted to OSEP following the ARRA-IDEA use of funds plan.

The Provider of Services shall:

1. Support the service delivery infrastructure professional development to address the programmatic issues in curriculum and instruction that have a

direct impact on the instructional needs of low-performing schools and students with the greatest learning challenges. Professional development to include specific on-island and off-island technical assistance and training activities based on individual school-level improvement plans incorporating a **Response to Intervention (RTI)** system, including:

- a. A process for selecting schools and assessing current practices;
 - b. Individual school-level improvement plans;
 - c. Procedures for monitoring fidelity of implementation;
 - d. Procedures for monitoring student progress and the use of data for adjusting professional development activities; and
 - e. A process for disseminating information throughout the school system and incorporating progress data into SPP Indicator 3.
2. Support the service delivery infrastructure professional development to address the improvement of performance on State Performance Plan (SPP) Indicator 13, Secondary Transition. Professional development to include specific on-island and off-island school-level technical assistance and training activities, including:
- a. An assessment of current practices within the secondary schools;
 - b. High school-level professional development plans for implementation;
 - c. Monitoring procedures for fidelity of implementation;
 - d. Monitoring procedures for the implementation of school-level professional development plans in relation to the improvement of SPP Indicator 13 data; and
 - e. A process for analyzing performance data for SPP Indicators 13 and 14 (Post-School Outcomes) for adjusting high school-level professional development plans.
 - f. A process for disseminating information throughout the school system and incorporating performance data into SPP Indicators 13 and 14.
3. Manage contractual arrangements for any technical assistance and training provided by off-island consultants, including consultant fees and travel expenses, if required.

D. Amendments to Request for Proposals:

The GSA/DOE reserves the right to revise or amend the specifications prior to the date set for opening proposals. Such revisions and amendments, if any, shall be announced by an amendment or amendments to this RFP and shall be identified as such and require that the respondent's acknowledge the receipt of all amendments issued. The amendment shall refer to the portion of the RFP it amends. Amendments shall be distributed within a reasonable time to all prospective respondents to consider the issue in preparing their proposals. If the time and date set for receipt of proposals will not permit such preparation, such time shall be increased to the extent possible in the amendment.

E. Proposal Format and Content:

Interested entities or individual(s), in performing the scope of work outlined, must submit one (1) original and five (5) copies of the written proposal consisting of the following information:

1. Name of Entity or Individual(s) and the Principal place of business address.
2. Key Name List: By Name and Qualifications of Individual(s) to perform the Scope of Services.
3. The ability, qualifications and experience of all persons who would be assigned to provide the required services.

4. A plan giving as much detail as is practical explaining how the services will be performed, and;
5. The factor to be used in the evaluation and selection process and their importance.

F. Criteria for Evaluation Proposal:

A total of 100 points for the following evaluation criteria:

- 1) The Plan for performing the required services **(30 points)**.
- 2) Ability to perform the services as reflected by technical training and education, general experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services **(40 points)**.
- 3) The personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting **(20 points)**.
- 4) Record of past performance of similar work. **(10 points)**.

G. Disclosure of Major Shareholders:

As a condition of bidding, any partnership, sole proprietorship or corporation doing business with 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 12 month period immediate preceding submission of a bid. The affidavit shall contain the number shares or percentage of all assets of such held by each person during the 12 month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive commission, gratuity, or other compensation. The affidavit shall be open and available to the public for inspection and copying.

H. Withdrawal of Proposals:

Proposals may be withdrawn by written or telegraphic notice received by the government at any time prior to award. Proposals may be withdrawn in person by a vendor or the vendor's authorized representative, provided that the identification or the representative is verified and receipt for the proposal is signed by the representative.

I. Responsibility of the Contractor:

The Contractor shall be responsible for the professional and technical accuracy of all work and materials furnished under the awarded contract. The Contractor shall without additional cost to the Government, correct or revise all errors or deficiencies in his/her work identified during the term of the contract.

The Government's review, approval, acceptance of and payment of fees for services required under the awarded contract, shall not be construed to operate as a waiver of any rights under the contract and the Contractor shall be and remain liable to the Government for all direct cost which may be incurred by the Government as a result of the Contractor's negligent performance of any of the services performed under the contract.

J. General Compliance with Laws:

The contractor shall be required to comply with all Federal and the local laws and ordinances applicable to the work. Contractor shall attach a copy of appropriate business license or a statement of exemption pursuant to section 16024 of the Government Code.

**GENERAL SERVICES AGENCY/
DEPARTMENT OF EDUCATION
REQUEST FOR PROPOSAL
GENERAL TERMS AND CONDITIONS
GDOE RFP-022-2009**

GENERAL TERMS AND CONDITIONS

1. **AUTHORITY:**

This Request for Proposal (RFP) solicitation is issued subject to all the provisions of Title V, Chapter 5 - known as the Guam Procurement Act, Guam Code Annotated (5-GCA) and the Guam Department of Education Procurement Regulations (GDOEPR Section 3.14.6 titled 'Request for Proposals') (copies are available for inspection at the Guam Department of Education). The RFP requires all parties involved in the preparation, negotiation, performance, or administration of contracts to act in good faith.

2. **EXPLANATION TO OFFERORS:**

No oral explanation in regard to the meaning of the specification will be made and no oral instructions will be given before the award of the proposal. Discrepancies, omissions, or doubts as to the meaning of the specifications should be communicated in writing to the named contact individual of the requesting agency/department for interpretation. Offerors should act promptly and allow sufficient time for a replay to reach them before the submission of their proposals. Interpretation, if required, shall be made in the form of an amendment to the specifications which will be forwarded to all prospective offerors and its receipt by the offeror should be acknowledged on the proposal form.

3. **CONTRACT PROVISIONS:**

The GSA/DOE reserves the right to include any part or parts of the proposal in a final contract and shall be subject to conditions imposed by the GSA/DOE.

4. **RIGHT TO AMEND OR CANCEL:**

The GSA/DOE reserves the right to amend, supplement or cancel the RFP as serves the best interest of the GSA/DOE.

5. **RIGHT TO REJECT PROPOSALS:**

The GSA/DOE reserves the right to reject any or all proposals in whole or in part and to waive informalities and minor irregularities in proposals if it is determined to be made in the public interest. The GSA/DOE reserves the right to determine what constitutes informalities and minor irregularities in the proposals.

6. **RIGHT TO RE-ISSUE:**

The GSA/DOE may, at its discretion, re-issue this RFP.

7. **TAXES:**

Offerors are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation. It is the policy of the Government to award proposals to offerors duly authorized and licensed to conduct business in Guam.

8. **LICENSING:**

Offerors are cautioned that the Government will not consider for award any offer submitted by a offeror who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Department of Revenue and Taxation. Contact no. (671) 635-1828/29

9. **COVENANT AGAINST CONTINGENT FEES:**

The offeror warrants that he has not employed any person to solicit or secure any resultant contract upon agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to terminate the contractor, or in its discretion to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commission payable by contractors upon contracts or sales secure or made through bonafide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

10. **JUSTIFICATION OF DELAY:**

The offeror who is awarded the proposal guarantees that the service will be completed within the agreed upon completion date. If, however, the Entity or Individual(s) cannot comply to the completion requirement, it is the Entity or Individual(s) responsibility to advise the Government in writing explaining the cause and reasons of the delay.

11. **EQUAL EMPLOYMENT OPPORTUNITY:**

Section 3.01 of the Executive Order 10935 dated March 7, 1965, requires the offeror not to discriminate against any employee or applicant for employment because of race, creed, color or national origin. The offeror will take affirmative action to secure that applications are employed and that employees are treated equally during employment without regard to their race, creed, color or national origin.

12. **RESTRICTION ON SEX OFFENDERS: (Pursuant to the Public Law 28-98)**

The Offeror warrants that no person shall provide services on his behalf in relation to this contract who has been convicted of a sex offense under this provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed in the Sex Offender Registry. Any such person who is discovered to have been so convicted shall be immediately removed from working at Guam Department of Education and the Superintendent shall be informed within twenty-four (24) hours. Failure to take correction action after notice may results in the temporary suspension of Agreement at the discretion of the GSA/DOE.

13. **ASSIGNMENT:**

Assignment will not be accepted without prior approval from the Government. Request for approval of assignment must be made with submission of proposal. No assignment will be accepted if request is not made with the proposal.

14. **DETERMINATION OF RESPONSIBILITY OF OFFEROR:**

The **GSA/DOA** reserves the right for securing from offerors information necessary to determine whether or not they are responsible and to determine the responsibility in accordance with Item no. 12 of the General Terms and Conditions.

15. **PROPRIETARY INFORMATION:**

Individuals may designate those portions of the proposal which contain trade secrets or proprietary data which are considered confidential and are not to be released.

16. **LIABILITY FOR COSTS OF THE PROPOSAL:**

The GSA/DOE is not liable for any costs incurred by individuals in connection with this RFP. By submitting a proposal, the Entity or Individual(s) specifically waives the right against the GSA/DOE for any expenses incurred in proposal preparation. Submitted proposals becomes the property of the GSA/DOE. Entity or Individual(s) requests for the return of specific proprietary material will be honored.

17. **DISCLOSURE OF MAJOR SHAREHOLDERS AFFIDAVIT (Pursuant to Public Law 18-44)**

Public Law 18-44 requires all bidders to submit an affidavit of disclosure of major shareholders as a qualifying condition for participation in any Government of Guam bid. Failure to do so or failure to incorporate all the provisions required by Public Law 18-44 will mean disqualification and rejection of bid. In addition, the notarization of the affidavit shall be in accordance to current notary public law. Failure to comply with current notary public law will result in disqualification and rejection of bid.

Excerpt from P.L. 18-44 Section 44. A new Section 6961.3 is added to the Government of Guam to read:

Section 6961.3. Disclosure of major shareholders. As a condition of bidding, any partnership, sole proprietorship or corporation 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 that ten percent (10%) of the outstanding interest o shares in and 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 of partnership, sole proprietorship or corporation which have been by each such person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who received or it entitled to receive a commission, gratuity or the compensation for procuring or assisting in obtaining business related to the bide for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall open and available to the public for inspection and copying.

Failure to submit the affidavit disclosing shareholders and the statement concerning commissions paid shall be deemed non-responsive and cause for rejection of the bid submission.

EXAMPLE:

1. A bidder intends to participate in a bid schedule for October 15 and submits His/her bid on September 12, the affidavit dated September 10 is acceptable.

NOTE: If the affidavit is a copy, indicate the RFP or BID No. and where it is filed.

18. **BY SUBMITTING A PROPOSAL:**

The Entity or Individual(s) specifically understands and agrees that he/she has a duty to explain and clarify any and all conditions imposed on or included in the responses and questions in this RFP. The Entity or Individual(s) understands that it has an affirmative duty to inquire about and clarify any RFP question that the individual does not understand or that the individual believe may be susceptible to more than one interpretation.

MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT

TERRITORY OF GUAM)
)ss:
 AGANA GUAM)

I, the undersigned, _____, being first
 (a partner or officer of the company of, etc.)

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	<u>Percentage of Shares held</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	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	<u>Amount of Gratuity or Other Compensation</u>
_____	_____	_____

Further, affiant sayeth naught.

Date: _____

 Signature or 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 _____, 2009.

By: _____,

Notary Public _____
 In and for the Territory of Guam

My commission expires _____

**SPECIAL PROVISION
FOR
MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT**

All bidders are required to submit a current affidavit as required below, failure to do so will mean disqualification and rejection of the bid.

Excerpt from P.L. 18-44

Section 44. a new Section 6961.3 is added to the Government Code to read.

“Section 6961.3. Disclosure of major shareholders. As a condition of bidding, any partnership, sole proprietorship or corporation 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 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 the 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”

EXAMPLE:

1. A bidder intends to participate in a bid opening on October 15, and submits his/her bid on September 12, the affidavit dated September 10 is acceptable.

NOTE: If the affidavit is a copy, indicate the Bid No. and where it is filed.

Notary Public

Felix P. Camacho

Governor



Lourdes M. Perez
Director, Dept. of Administration

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Government of Guam
P.O. Box FG, Agana, Guam 96910

Michael W. Cruz, M.D.

Lt. Governor

Joseph C. Manibusan
Deputy Director

Special Provisions

PROPOSAL NO.: GSA/DOE RFP-022-2009
FOR: TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF
SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES EDUCATION
IMPROVEMENT ACT (IDEA), PART B PROGRAM.

FORM COMPLIANCE WITH
U.S. D.O.L. WAGE DETERMINATION AFFIDATE

The party making the foregoing bid, that such bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 §5801 and §5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per specification on Bid No. **GSA/DOE RFP-022-2009** for **TECHNICAL ASSISTANCE AND TRAINING SUPPORT FOR THE DIVISION OF SPECIAL EDUCATION, INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA), PART B PROGRAM.**

Therefore, under penalty of perjury, I certify that the facts stated above are true.

Note: Bidders are required to attach the most recent wage determination issued by the U.S. D.O. L. for Guam.

Restriction against Sex Offenders Employed by service providers to
Government of Guam from working on Government Property.

If a contract for services is awarded to the bidder or offeror, then the service provider must warranty that no person in its employment who has been convicted of a sex offense under the provisions of chapter 25 of Title 9 of Guam code Annotated or of an offense defined in Article 2 of chapter 28 of Title 9 of the Guam Code annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four (24) hours of the conviction, and will immediately remove such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four (24) hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service providers fail to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily and contract for services until corrective action has been taken.

Signature of Bidder

Date

Notary Public
In and for the Territory of Guam
My Commission Expires: