BOARD OF DIRECTORS

Chairman:
Monte Mesa
Vice Chairperson:
Jovyna Lujan
Secretary:
Marilou Lacson
Members:
Joseph Camacho
William Beery

PORT AUTHORITY OF GUAM

RESOLUTION REGARDING RATIFICATION OF CONTRACT FOR COMMUNITY OUTREACH PROGRAM SERVICES

BE IT RESOLVED BY THE PORT AUTHORITY OF GUAM BOARD OF DIRECTORS:

WHEREAS, in a memorandum dated July 29, 2009 the Acting Governor of Guam requested that the Office of the Attorney General review the services for a Port Master Plan Update, Financial Feasibility Study and Community Outreach and Consensus Building Program procured pursuant to Port Authority of Guam Procurement RFP No. 07-004; and

WHEREAS, the Office of the Attorney General issued its report on the subject procurement on February 3, 2010; and

WHEREAS, the Office of the Attorney General found that there was a contract between the vendor, Parsons Brinckerhoff International, and the Office of the Governor of Guam to carry out the Community Outreach Program; and

WHEREAS, the Office of the Attorney General further reported there were no ethical violations found in the procurement of the Community Outreach Program although the procurement of the Community Outreach Program violated Guam Procurement law; and

WHEREAS, as a beneficiary of the contract for the Community Outreach Program services, in a memorandum dated March 18, 2010 the General Manager of the Jose D. Leon Guerrero Commercial Port advised the Attorney General that it is the opinion of the Port that the deliverables outlined in the Scope of Work for the Community Outreach Program have been performed by Parsons Brinckerhoff; and

WHEREAS, Title 5, Guam Code Annotated, Section 5452, Remedies After an Award, states: *"(a) If after an award it is determined that a solicitation or award of a contract is in violation of law, then (1) if the person awarded the contract has not acted fraudulently or in bad faith: (i) the contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the Territory…"*; and

WHEREAS, in accordance with Title 5, Guam Code Annotated, Section 5452 the Chief Procurement Officer of the General Services Agency affirmed and ratified the procurement of the Community Outreach Program and notification of such ratification and affirmation was provided to the Attorney General in a memorandum dated April 23, 2010; and

WHEREAS, in her memorandum the Chief Procurement Officer states there was no bad faith or fraud committed by the vendor, Parsons Brinckerhoff, or the Government of Guam in procuring the Community Outreach Program and that the services sought in the procurement have been completed to the satisfaction of the Port; and

WHEREAS, during a regularly scheduled meeting of the Port Board of Directors on April 29, 2010 the Board approved a motion, as beneficiary of the contract for the Community Outreach Program, to ratify the contract on the basis that there appears to have been no bad faith or fraud committed in the procurement of the Community Outreach Program, that the services sought by such procurement have been performed, and that it is in the best interest of the Port and the territory of Guam to ratify such contract;
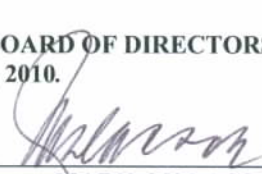
THEREFORE BE IT RESOLVED, that the Board of Directors, as beneficiary of the contract for the Community Outreach Program, affirms that it is in the best interest of the Port and the territory of Guam to ratify the contract with Parsons Brinckerhoff for the Community Outreach Program; and be it further

RESOLVED, the Board of Directors affirms that the deliverables outlined in the Scope of Work for the Community Outreach Program have been performed by Parsons Brinckerhoff; and be it further

RESOLVED, that the Chairman certify to and the Secretary attest the adoption hereof and that copies of the resolution be transmitted to the Governor of Guam and the Attorney General of Guam.

DULY AND REGULARLY ADOPTED BY THE BOARD OF DIRECTORS
THIS __29th__ DAY OF __April__, 2010.

MONTE MESA
CHAIRMAN, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM

MARILOU LACSON
SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM