

**BOARD OF DIRECTORS**

*Francisco G. Santos, Chairman  
Christine Won Pat Baletto, Vice Chairperson  
Mary Michelle Gibson, Secretary  
Timothy T. Kernaghan, Member*



**Resolution No. 2014-05**

**RELATIVE TO THE APPROVAL OF TRISTAR TERMINALS, INC.  
FOR THE MANAGEMENT AND OPERATIONS SERVICES FOR F-1 FUEL PIER FACILITY**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO  
COMMERCIAL PORT:**

**WHEREAS**, on March 27, 2013, the Port Authority of Guam (PAG) issued a Request for Proposal (RFP) No. PAG-013-003 for the Management and Operations Services for F-1 Fuel Pier Facility; and

**WHEREAS**, a total of four (4) firms submitted its proposal in response to the RFP which were evaluated and ranked by the Port's Evaluation Committee; and

**WHEREAS**, the Port's Evaluation Committee selected IP&E Holdings as the most qualified offeror; and

**WHEREAS**, a protest was filed on June 17, 2013 which resulted a stay in procurement; and

**WHEREAS**, PAG responded to the protest indicating it is without merit, hence the procurement process continued; and

**WHEREAS**, on October 4, 2013 the Port's Negotiation Committee commenced the cost negotiations with IP&E Holdings and after several negotiation meetings and counter offers, PAG terminated negotiations with IP&E on December 18, 2013 on the basis of an unsuccessful cost negotiation; and

**WHEREAS**, in addition, the Port's Negotiation Committee concluded that further discussions with IP&E Holdings may result in limiting the scope of work and further delay the project; and

**WHEREAS**, in compliance with §3114(l)(4) of the Procurement Rules and Regulations, PAG commenced negotiations with the next most qualified offeror, namely Tristar Terminals, Inc.; and

**WHEREAS**, after a series of cost negotiation discussions and counter offers, on January 23, 2014, PAG and Tristar Terminals, Inc. reached a mutual agreement to the terms of the contract; thus, resulting to a successful negotiation of a fair and reasonable fees; and

**WHEREAS**, the Port Authority Board of Directors at its regular meeting of February 17, 2014 approved the contract award to Tristar Terminals, Inc. for RFP No. PAG-013-003 for the Management and Operations Services for F-1 Fuel Pier Facility; now therefore be it

**RESOLVED**, the Port Authority Board of Directors authorizes management to petition the Public Utilities Commission (PUC) to review and approve the contract award to Tristar Terminals, Inc. in accordance with the Contract Review Protocol for the Port Authority of Guam; and be it further

**RESOLVED**, the Chairman certify to, and the Secretary attest to, the adoption hereof and that a copy of this resolution be sent to the Public Utilities Commission.

**PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF  
DIRECTORS THIS 27<sup>th</sup> DAY OF MARCH, 2014.**

**FRANCISCO G. SANTOS  
CHAIRMAN, BOARD OF DIRECTORS  
PORT AUTHORITY OF GUAM**

**MARY MICHELLE GIBSON  
SECRETARY, BOARD OF DIRECTORS  
PORT AUTHORITY OF GUAM**

