

## 28 GAR - PUBLIC UTILITIES

### Article 4 Pre-Qualification of Bidder

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**§2420. Policy.** After the advertisement of the project list, prospective bidders will be subject to the pre-qualification process. The pre-qualification process operates to identify qualified bidders able to perform the contract if it is awarded to them. GWA is seeking bidders who have the proven experience, financial resources, and professional expertise to engage in the highest quality design, construction, and operation and maintenance of water and wastewater projects.

**§2421. Pre-Qualification Process.** The BOT Committee shall screen prospective bidders to determine if the pre-qualification requirements are met.

**§2422. Bidder Questionnaire Responses.** Prospective bidders will be required to obtain a Bidder Questionnaire from GWA and submit a response to the Bidder Questionnaire supplied by GWA according to a timetable set by GWA. The Bidder Questionnaire shall be accompanied by the criteria of §2424. Prospective bidders shall be given at least sixty (60) days from the date of publication or notice to submit a response to the Bidder Questionnaire and initiate the bidding process.

**§2423. Duties and Composition of the BOT Committee.** The General Manager shall appoint, with the consent of the Board and in concurrence with the director or agency heads, seven (7) representatives from the following departments/agencies to sit on the BOT Committee. The Committee shall consist of one (1) representative from the Guam Waterworks Authority ('GWA'), the Department of Public Works ('DPW'), the Guam Environmental Protection Agency ('GEPA'), the University of Guam: Water, Energy and Research Institute ('WERI'), the Department of Land Management ('DLM'), the Guam Planning Council ('GPC') and the Guam Economic and Development Authority ('GEDA'). The General Manager shall *not* appoint himself. Each Committee member shall serve for a two (2) year term and said terms shall be staggered in a manner to be determined by the Board. The concurrence

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of four (4) Committee members shall be necessary to establish a quorum and make any decision.

(a) The BOT Committee shall review every Bidder Questionnaire Response submitted by prospective bidders and, within sixty (60) days after receipt of a completed response, notify the prospective bidder by certified mail of the Committee's decision.

(b) A rejected bidder may appeal the decision of the BOT Committee to the General Manager in writing within fifteen (15) days after the date on which it receives the notice of rejection. If the General Manager affirms the rejection, the rejected bidder may further appeal the rejection to the Board within thirty (30) days after the General Manager's written affirmation. During the time said appeal is pending, GWA may *not* enter into a contract which the rejected bidder had given written notice it wanted to bid on within thirty (30) days after it submitted its Bidder Questionnaire Response.

### **§2424. Pre-qualification Criteria of the BOT Committee.**

Prospective bidders' responses to Bidder Questionnaires will be evaluated to ensure satisfaction of all the following criteria of the BOT Committee:

1. minimum of five (5) years experience with water or wastewater projects;
2. record of financial strength to commit to a water and wastewater project;
3. key project team personnel familiar with and experienced in water and wastewater projects;
4. flexible organizational and management structure;
5. acceptable credit rating from a nationally recognized credit rating agency; and
6. other criteria at the discretion of the Committee, prospective bidders must be notified of these additional criteria.

**§2425. Invitation to Submit Bid Proposal.** After a bidder is found by the BOT Committee to have satisfied the pre-qualification requirements, the bidder will be invited to submit a bid proposal on the project.