

**DETERMINATION OF NEED  
FOR  
EXTENSION OF EMERGENCY PROCUREMENT CONTRACT**

**DATE:** November 23, 2022

**AGENCY:** A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM (GIAA)

**CONTRACT:** GIAA-S15-002 (AIRCRAFT SERVICE INTERNATIONAL GROUP, INC. DBA MENZIES AVIATION)

**RE:** MANAGEMENT & INFRASTRUCTURE SUPPORT SERVICES  
TO GIAA'S BAGGAGE CONVEYANCE SYSTEMS

**AUTHORITY:** 5 G.C.A. SECTION 5215; 2 GARR DIV. 4 SECTION 3113

**FINDINGS**

Pursuant to the Guam Procurement Law and the Regulations promulgated thereunder, specifically 5 GCA Section 5215 and 2 GARR Division 4 Section 3113, the following determination is made by the Executive Manager with regard to the above-referenced services required by the A.B. Won Pat International Airport Authority, Guam ("GIAA"), which were procured on an emergency basis pursuant to a determination of need for emergency procurement and certificate of emergency approved by I Maga Hagan Guahan on October 27, 2021.

GIAA is the only civilian airport on Guam. GIAA operates and maintains the airport 24 hours a day, seven days a week to accommodate civilian air travel in and out of Guam. GIAA currently contracts with a firm who provides Management & Infrastructure Support Services to GIAA's Baggage Conveyance Systems (the "Services"). The contractor provides management, supervision, labor and materials, supplies, equipment, and carries out certain repair work for GIAA's baggage conveyance systems to ensure uninterrupted services to the Airlines, Transportation Security Administration (TSA) and the travelling public who utilize GIAA's facilities and who travel in and out of Guam. The contract was set to expire on October 31, 2021.

On or about July 20, 2021, GIAA issued Request for Proposal Number ("RFP") RFP-005-FY21 for the procurement of the Services. On August 26, 2021, GIAA publicly announced the highest ranked offeror.

On September 21, 2021 a lower ranked offeror submitted a protest of the procurement. GIAA immediately imposed a stay on the procurement pursuant to 5 G.C.A. § 5425. On September 30, 2021, GIAA denied the protest in its entirety. The offeror then appealed GIAA's decision to the Office of Public Accountability ("OPA") on October 8, 2021.

On October 27, 2021, with the stay on the procurement remaining in effect subject to the ongoing appeal before the OPA, GIAA determined that it had an immediate and emergency

need to contract for the services to avoid interruption to its baggage conveyance systems and, by direct extension, GIAA's operations and facilities.

On or about October 26, 2021, GIAA certified the existence of an emergency and determined the need for an emergency procurement, in accordance with the Procurement Law and implementing regulations.

On or about October 27, 2021, GIAA solicited proposals on an emergency basis from offerors to provide the services due to the imminent expiration of the existing contract for the services, the stay imposed by the appeal pending before the OPA, the imminent potential for the interruption of the services, and the resulting threat to public health, safety and welfare of passengers and users of the airport, and the daily operations of the airport due to such disruption.

On or about November 1, 2021, GIAA entered into a contract with the offeror deemed most qualified who responded to the emergency solicitation for services. The contract provided for a term of 30 days, subject to extension as allowed by law.

On December 22, 2021, GIAA convened a public hearing on the need for an extension of the contract for the services procured on an emergency basis beyond ninety (90) days from the determination of need for emergency procurement in accordance with 5 G.C.A. § 5215(e).

On February 3, 2022, the Public Auditor dismissed the appeal pending before the Office of Public Accountability, in favor of GIAA. The protesting offeror then appealed that dismissal to the Superior Court of Guam. The appeal before the Superior Court remains pending as of the date of this writing and thus the procurement for the services via the July 20, 2021 request for proposal remains stayed pursuant to Guam law.

The contract was extended in accordance with applicable law through the months of December 2021 and January, February, March, April, May, June, July, August, September, October and November 2022 as the stay imposed due to the procurement protest and appeal remained in effect.

On September 23, 2022, GIAA convened a fourth public hearing on the need for an extension of the contract for the services procured on an emergency basis beyond a fourth ninety (90) day period from the determination of need for emergency procurement in accordance with 5 G.C.A. § 5215(e).

### **DETERMINATION**

Therefore, based on the foregoing:

1. The undersigned does hereby determine that, due to the need for the critical and continued operation of GIAA's baggage conveyance systems, and the imminent expiration of the current contract to provide management and infrastructure services to such systems on an emergency basis, the previously stated and certified emergency continues to exist, as an interruption to these services poses an imminent

threat to the public welfare and safety of GIAA patrons, users, tenants, employees, federal partners, and the public.

2. The undersigned further determines that the scope of the contract remains limited to the emergency caused by the imminent interruption of services, and additional time is needed to allow the Superior Court appeal to be resolved.
3. The undersigned also determines that the need for such services without delay warrants and necessitates the extension of the contract awarded via the emergency procurement provisions of the Guam Procurement Code and implementing regulations, to procure the required Services as no other procurement method of source selection would allow for GIAA to procure the Services by the expiration of the contract to provide such Services.

Based on these determinations:

- A. The undersigned hereby authorizes the extension of the current contract with Aircraft Services International Group Inc. dba "Menzies Aviation", procured on an emergency basis, and entered into on November 1, 2021, and extended through December 2021, and January, February, March, April, May, June, July, August, September, October, November and now December 2022.
- B. Pursuant to 5 G.C.A. § 5215(e) and 2 GARR Div. 4 Section 3113, the contract shall be extended through December 2022.
- C. The contract shall be subject to further extension in accordance with law.
- D. Notice of this extension shall be promptly provided to Menzies Aviation, and this determination shall also be made a part of the procurement record for the emergency procurement authorized by the October 27, 2021 Determination of Need for Emergency Procurement and Certificate of Emergency.

Executed this 23 day of November, 2022 at Hagana, Guam.

  
**JOHN M. QUENATA**  
EXECUTIVE MANAGER