

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
Thursday, July 27, 2017, 3:00 p.m.
GIAA TERMINAL CONFERENCE ROOM #3**

1. CALL TO ORDER AND ATTENDANCE

The July 27, 2017 regular meeting of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or the "Authority") was called to order by Chairman Duenas at 3:03 p.m. at the GIAA Terminal Conference Room #3, 355 Chalan Pasaheru, Tamuning, Guam, 96913.

Directors Present:

Ricardo C. Duenas
Katherine C. Sgro*
Gurvinder "Bic" Sobti
Martin J. Gerber
Lucy M. Alcorn
Rosalinda A. Tolan
Deedee S. Camacho

Offices or positions:

Chairman
Vice Chairperson
Board Secretary

Directors Absent:

None

GIAA Officials:

Charles H. Ada II
Pedro R. Martinez
John A. Rios
Jean M. Arriola
Gerard Bautista
Antonio Taitingfong
Edward Muna
Victor Cruz
Franklin P. Taitano

Executive Manager
Deputy Executive Manager
Comptroller
Airport Services Manager
Air Terminal Manager
Airport Police Assistant Chief
Airport Operations Superintendent
Engineering Supervisor
Supply Management Administrator

Janalynn Cruz Damian, Esq.
Frank R. Santos

GIAA Legal Counsel
GIAA Consultant

Chairman Duenas welcomed Airport tenants, stakeholders, and members of the public who are noted in a sign-in sheet attached to these minutes.

2. APPROVAL OF AGENDA

Motion to approve the agenda as presented duly made by Director Tolan, seconded by Director Gerber; motion unanimously passed.

3. APPROVAL OF MINUTES

A. July 6, 2017 Regular Meeting

No corrections or changes were recommended. On motion duly made by Director Alcorn, seconded by Director Sobti, the following resolution was unanimously passed:

Resolution No. 17-37

The Board hereby approves the minutes of the July 6, 2017 regular meeting, subject to corrections.

4. CORRESPONDENCE

Executive Manager Ada had no Correspondence to report.

5. OLD BUSINESS

A. Status Updates of Capital Improvement Projects("CIP")

Mr. Frank Santos, Consultant, announced that the CIP reports include three (3) schedules, which he will give a brief summary for each.

I. Airport Capital Improvement Plan ("ACIP")

Mr. Santos informed the Board that the ACIP covers fiscal years 2018 - 2020.

- Concourse Isolation with Seismic Upgrades: Two (2) years of entitlements up to 2020.

II. Capital Improvement Projects for Fiscal Year 2018

Mr. Santos referred the Board to the 2nd schedule and informed them that it covers projects for fiscal year 2018.

- Budget meetings with airlines held earlier this week, where the CIP was introduced.
- Expand Security Screening Checkpoint: Expand checkpoint with two (2) additional screening lanes in the amount of \$1.6M. Majority of the airlines approved the intention to deduct the amount of \$1.6M from Other Available

Monies (airline credit from Airport Net Revenues at the end of the fiscal year) which is estimated at \$3M.

III. Capital Improvement Projects for Fiscal Years Through 2017

Mr. Santos referred the Board to the 3rd schedule and informed them that it includes Bond projects, FAA grants and Capital Improvement Fund projects. All projects listed have funding sources. Projects not listed have been deferred and will be addressed at a later time with the Board.

- International Arrivals Corridor with Building Seismic Upgrades: Total project cost \$110M, with a balance of \$92M to be paid.

6. NEW BUSINESS

- A. Approval of FAA Grant Agreement AIP Project No. 3-66-0001-100-2017 - Modify Terminal Building Sterile Arrival Corridors - Construction - \$4,450,500.00

The first matter discussed was the FAA Grant Agreement for the following: Modify Terminal Building Sterile Arrival Corridors - Construction project in the amount of \$4,450,500.00. Executive Manager Ada informed the Board that the deadline to accept the grant is August 30, 2017.

**Vice Chairperson Sgro arrived at the Board meeting.*

After further discussion, on motion duly made by Director Camacho, seconded by Director Tolan, the following resolution was unanimously approved:

Resolution No. 17-38

The Board hereby approves the acceptance of the FAA Grant Agreement AIP Project No. 3-66-0001-100-2017 - Modify Terminal Building Sterile Arrival Corridors - Construction in the amount of \$4,450,500.00, and the conditions associated with the grant agreement.

- B. Approval of Award for GIAA Aircraft Rescue Fire Fighting (ARFF) Facility Phase I - Demolition, Remediation and Site Preparation - IFB No. GIAA -C02-FY17

Executive Manager Ada provided background information to the Board on the referenced IFB. Eleven (11) firms/individuals purchased bid packages and five (5) firms submitted bids before the submission deadline. The five (5) firms were evaluated and determined to be acceptable. As required by the Guam Procurement Regulations, the bids were publicly opened and read aloud in the presence of the bidders. The bid price submittals are as follows:

Bidder's Name	Amount
Primo's Heavy Equipment	\$1,280,000.00
Korando Corporation	\$469,000.00
Ian Corporation	\$666,077.15
Maeda Pacific Corp.	\$989,100.00
BME & Sons Inc.	\$1,618,088.00

Executive Manager Ada informed the Board that Korando Corporation has been determined to have met the standards of responsibility and responsiveness outlined in the Guam Procurement Regulations and has been deemed the lowest responsible, responsive bidder. Therefore, it is recommended that Korando Corporation be awarded the contract in the amount of \$469,000.00 for the referenced IFB.

Executive Manager Ada announced that the lowest responsive, responsible total bid amount received is 67% below the government estimate of \$1,400,000.00. Korando Corporation, in a letter dated July 26, 2017 has confirmed its bid price of \$469,000.00 and its ability to complete the project in 120 calendar days after the firm has received the notice to proceed. Executive Manager Ada added that the funding for this project is available under AIP grant funds. Management intends to reprogram the excess funds back in to the construction portion of the facility.

After further discussion, on motion duly made by Director Sgro, seconded by Director Sobti, the following resolution was unanimously approved:

Resolution No. 17-39

The Board hereby approves the contract award for GIAA Aircraft Rescue Fire Fighting (ARFF) Facility Phase I - Demolition, Remediation and Site Preparation - IFB No. GIAA -CO2-FY17 in the amount of \$469,000.00 to Korando Corporation, subject to review by legal counsel.

D. Approval of Board Resolution No. 17-40: Agreement for Legal Services

The next item discussed was the extension of the Agreement for Legal Services with Torres Law Group, conflicts counsel. Legal counsel, Janalynn Damian informed the Board that the one (1) year extension would be the second of four options to extend.

Director Sobti and Director Gerber did not participate in the discussion or vote on the referenced extension to Legal Services Agreement because of conflict of interest with Torres Law Group.

After further discussion, on motion duly made by Vice Chairperson Sgro, seconded by Director Alcorn, the following resolution was unanimously approved:

Resolution No. 17-40

WHEREAS, an Agreement for Legal Services - Conflicts Counsel was entered into on August 1, 2015, by and between the ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM ("GIAA") and Torres Law Group ("Torres") (the "Torres Agreement"); and

WHEREAS, the Torres Agreement provides for a term of one year commencing on August 1, 2015, with four (4) options to extend for a period of one (1) year each, not to exceed a total contract period of five (5) years with GIAA approval; and

WHEREAS, on June 9, 2016, by Resolution No. 16-38, the Board of Directors approved the extension of the Torres Agreement for an additional one year period (1st Option) commencing on August 1, 2016, and expiring on July 31, 2017, under the same terms and conditions as set forth in the Torres Agreement; and

WHEREAS, the Board of Directors has determined that GIAA continues to require the services of Torres and that it is in the best interests of GIAA to extend the term of the Torres Agreement for an additional one year period commencing on August 1, 2017, under the same terms and conditions as set forth in the Torres Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of GIAA hereby extends the term of the Torres Agreement for an additional one year period commencing on August 1, 2017 and expiring on July 31, 2018, under the same terms and conditions as set forth in the Torres Agreement.

7. REPORT OF THE EXECUTIVE MANAGER

Reference is made to the Executive Manager's Report included as part of the Board's packet, which was presented by Executive Manager Ada.

Chairman Duenas congratulated Management and Accounting staff for maintaining the Authority's rating with Standard & Poor's, stating that it is helpful to the organization. The Chairman also congratulated Management and the Airport's Marketing department on the development of the very innovative Hulo program, and added that the Block Party was impressive.

8. REPORT OF THE COMPTROLLER

Mr. John Rios reported on the revenues and expenses of the Authority as of **June 30, 2017**. Mr. Rios reported that year-to-date Total Signatory Revenues are above budgeted revenues by **4.1%**, year-to-date Total Concession Revenues and Passenger Facility Charges are below budget by **-0.7%** and above budget by **3.7%**, respectively. Year-to-date Total Other Revenues, inclusive of non-signatory and non-airline revenues are above the budget estimate by **27.9%**. Year-to-date Total Operating Revenues Actual of **\$58.1M** is **8.0%** above the budget estimate of **\$53.8M**. Year-to-date Total Operating Expenses are below budget by **-5.3%**. Components of this line item include a **-2.7%** decrease in Personnel Service, a **-2.0%** decrease in Contractual Services, a-

57.5% decrease in Materials & Supplies and a -61.5% decrease in Equipment/Furnishings from budgeted amounts for these respective categories. The actual year-to-date Net Revenues from Operations of \$25.5M reflects an increase of 31.6% over the year-to-date budgeted amount of \$19.4. Mr. Rios reported that the year-to-date Debt Service Coverage is at 1.59 versus the requirement of 1.25.

9. EXECUTIVE SESSION

Chairman Duenas announced that Executive Session will be tabled.

At this time Chairman Duenas suggested that the Board adjourn the regular Board meeting and reconvene on Tuesday, August 1, 2017 at 2:00 p.m.

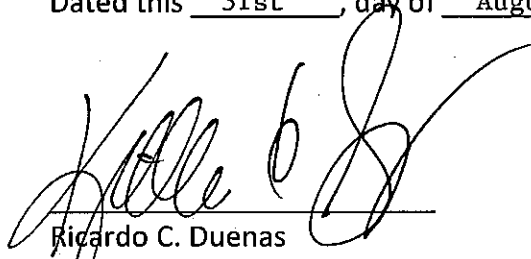
After further discussion, on motion duly made by Director Tolan, seconded by Director Alcorn, the following resolution was unanimously approved:

Resolution No. 17-41

The July 27, 2017 Regular Meeting of the Board of Directors of GIAA is hereby adjourned, and will reconvene on Tuesday, August 1, 2017 at 2:00 p.m. at the GIAA Conference Room 355 Chalan Pasaheru, Tamuning, Guam, 96913.

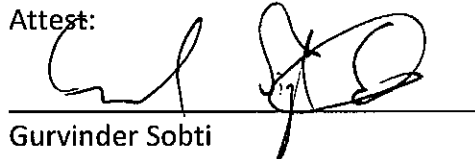
The meeting adjourned at 3:30 p.m.

Dated this 31st, day of August, 2017.



Ricardo C. Duenas
Chairman

Attest:



Gurvinder Sobti
Secretary

Prepared and Submitted By:



Amanda O'Brien-Rios
Corresponding Secretary

BOARD OF DIRECTORS REGULAR MEETING
3:00 p.m., Thursday, July 27, 2017
GIAA TERMINAL CONFERENCE ROOM #3

Public Notice

First Notice:

Guam Daily Post – July 19, 2017
Notice to Media – July 19, 2017

Second Notice:

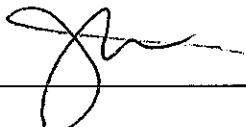
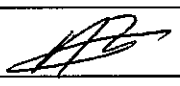
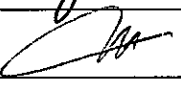

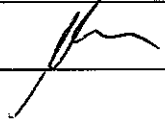
Guam Daily Post – July 25, 2017
Notice to Media – July 25, 2017

AGENDA

1. Call to Order and Attendance
2. Approval of Agenda
3. Approval of Minutes
 - A. July 6, 2017 Regular Meeting
4. Correspondence
5. Old Business
 - A. Status Updates of Capital Improvement Projects
6. New Business
 - A. Approval of FAA Grant Agreement AIP Project No. 3-66-0001-100 - Modify Terminal Building Sterile Arrival Corridors - Construction - \$4,450,500.00
 - B. Approval of Award for GIAA Aircraft Rescue Fire Fighting (ARFF) Facility Phase I - Demolition, Remediation and Site Preparation - IFB No. GIAA-C02-FY17
 - C. Approval of Board Resolution No. 17-40: Agreement for Legal Services
7. Report of Executive Manager
8. Report of the Comptroller
9. Executive Session
10. Public Comments
11. Adjournment

A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
Board of Directors Regular Meeting
3:00 p.m., Thursday, July 27, 2017
GIAA Terminal Conference Room #3

SIGN-IN SHEET

	<u>PRINT NAME</u>		<u>COMPANY/AGENCY</u>
1.	FRANK ARREAR		AIAM
2.	FRANK P. TAITONG		GIAA
3.	Antonio Taitong		Police
4.	VICTOR J. CRUZ		GIAA
5.	Liz B.		GIAA
6.	Kyla Mora	Kyn	PDN
7.	Geraud BAUTISTA	z	GIAA
8.	EDWARD MUNA		GIAA
9.	Dan Stone	D	ARFF
10.	Ron Santos		IN
11.	LOUELLA LUSWIS		GUBN Day RST
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

New sex abuse lawsuits seek \$15M

By Mindy Aguon
mindy@postguam.com

A former Catholic school student and a former Boy Scout are the latest victims to come forward in separate lawsuits alleging child sex abuse at the hands of men they trusted.

Attorney David Lujan filed lawsuits in the District Court of Guam yesterday on behalf of A.W.C. and T.P.J.

A.W.C., 44, of California, alleges he was sexually abused and raped by his teacher at San Vicente Catholic School in Barrigada.

The complaint, filed against the school, accuses Ray Techaira, a deceased priest and former Catholic school teacher, of exploiting the trust and confidence bestowed upon him by sexually abusing

A.W.C. when he was 12 years old.

Techaira, who was a priest at Niño Perdido Y Sagrada Familia Catholic Church, allegedly offered to help A.W.C. receive the sacrament of confirmation in exchange for the boy's help around the Asan parish and by serving as an altar boy, court documents state.

The complaint alleges Techaira sexually abused and raped the boy during an overnight stay at the rectory.

Attorney Lujan alleges A.W.C.'s parents didn't realize their consent allowed their son to be sexually abused by a "predator" disguised in the robes of the clergy.

The lawsuit seeks \$5 million in damages.

\$10M lawsuit

T.P.J., 56, alleges he was sexually

molested and raped by Edward Pereira during Boy Scouts of America outings when he was 9.

Pereira, a Boy Scout leader, allegedly groped the boy on multiple occasions when dropping him home.

During a summer campout in Ipan, Pereira instructed T.P.J. to come with him to his residence to get water containers.

When they arrived at Pereira's residence, the two went into the storage room to retrieve the water containers.

Pereira allegedly closed and locked the door and then raped the boy despite his pleas to stop, the complaint states.

They returned to the campsite, and T.P.J. pretended to be sick and missed several Boy Scout activities and meetings after the incident.

He eventually returned to the Boy Scouts but avoided being alone with Pereira and refused offers for a ride home.

The complaint states that about a year later, T.P.J. and several other Boy Scouts were unloading supplies from Pereira's truck during an outing.

The boy noticed Pereira urinating near the jungle and reached in the truck to grab a box of supplies when he felt someone grab his neck and force him to his knees, court documents state.

T.P.J. alleges Pereira tried to force the boy to perform fellatio but he broke free and waited for his mother to arrive and left the camping event.

He quit the Boy Scouts after that and is now suing the Boy Scouts organization for \$10 million.

Police allegedly find pair with a gun, drugs

By Tihu Lujan
tihu@postguam.com

A man and woman were allegedly found with an unregistered firearm and suspected meth, according to a magistrate's complaint filed in the Superior Court of Guam.

Officers of the Guam Police Department were responding to a complaint outside the Funland Gameroom in Dedelo when they noticed suspicious individuals loitering around the parking lot on July 16.

Police observed several people standing around a vehicle outside the northern establishment, but the group dispersed when officers began approaching.

Two individuals identified as Jona-

than Pereda Taisague and Bobbie L. Viloria were found inside the vehicle, court documents state.

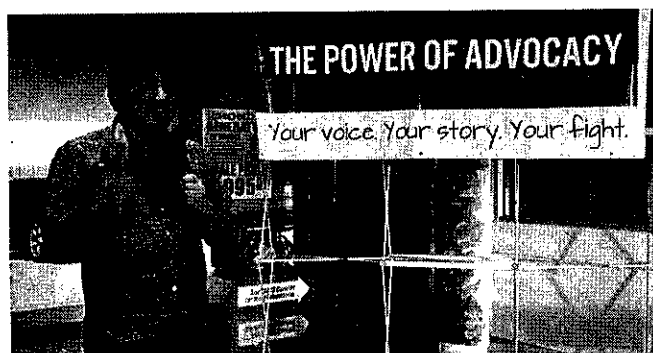
Inside, officers located a "loaded improvised glass pipe" with what appeared to be crystal methamphetamine.

Charges

Taisague was arrested and charged with possession of a firearm without firearms identification as a third-degree felony, possessions of an unregistered firearm as a third-degree felony and possession of a concealed firearm as a third-degree felony.

Viloria was arrested and charged with illegal possession of a Schedule II controlled substance as a third-degree felony.

Advocacy for cancer awareness



AWARENESS: Davin Aoyagi, Hawaii Pacific grassroots manager for the American Cancer Society Cancer Action Network, makes a presentation for the upcoming Lights of Hope event at the Triple J showroom in Upper Tumon yesterday evening. The Lights of Hope is a national fundraising and cancer awareness advocacy event to take place at the Lincoln Memorial in Washington, D.C., on Sept. 12. More information can be found at acscan.org/lightsofhope. Norman M. Taruc/The Guam Daily Post



PUBLIC NOTICE ANNOUNCEMENT

The Guam Visitors Bureau will hold a Regular Meeting of the Board of Directors on **Thursday, July 27, 2017 at 3:30 p.m. in GVB's Main Conference Room.** Any individuals needing special accommodations are requested to contact GVB at 646-5278 for assistance.

This ad was paid for by the GVB Membership Fund



Guam Memorial Hospital Authority Aturidat Espetat Mimuriat Guahan

850 GOV. CARLOS CAMACHO ROAD
OKA, TAMUNING, GUAM 96913
TEL.: (671) 647-2444 or (671) 647-2330; FAX: (671) 649-0145



This Public Notice is paid for by government funds, and is paid for by Guam Memorial Hospital Authority.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Guam Memorial Hospital Authority (GMHA) will be conducting a Public Hearing to present the Facility Master Plan for adjudication. Documents relating to this proceeding are available on our website at www.gmha.org under Public Information - GMHA Press Release - GMHA Public Hearing. Should you have any questions, please feel free to contact Mr. Peter John D. Camacho, M.P.H., Hospital Administrator/CEO at 647-2367.

Date: Monday, July 31, 2017

Time: 1:30 p.m.

Place: Daniel L. Webb Conference Room

Individuals requiring special accommodations, auxiliary aids, or other services may contact Toni Tenorio, ADA Coordinator, at 647-2218 or 2367.

GWDB PUBLIC NOTICE

GUAM WORKFORCE DEVELOPMENT BOARD

The Guam Workforce Development Board (GWDB) will be holding a General Membership Meeting on **Wednesday, July 26, 2017 at 4:00 p.m.** at the American Job Center Conference Room, located at 710 West Marine Corps Drive, Bell Tower Plaza (3rd floor) in Anigua.

Individuals requiring special accommodations or for additional information, please contact Joleen Santos at (671) 475-7074/7044 or email joleen.santos@dol.guam.gov

This advertisement is paid with government funds by the Guam Department of Labor



The Honorable
EDDIE B. CALVO
Governor

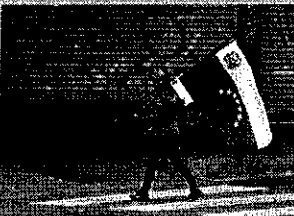


The Honorable
RAY TENORIO
Lt. Governor

PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene its Regular Board meeting on **Thursday, July 27, 2017 at 3:00 p.m.** in Terminal Conference Room No. 3. In addition to regular matters, pursuant to 5 G.C.A. §8111(c)(2), Executive Session will be held to discuss pending litigation to which GIAA is a party. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 642-4717/18.
(This ad paid for by GIAA)



NATIONAL PRIDE: A pedestrian carries a Venezuelan flag during a national strike in the Chacao district of Caracas, Venezuela, on Thursday. Carlos Becerra/Bloomberg

Venezuela opposition pushes 48-hour strike

(Bloomberg) — Venezuela's opposition party is calling for a 48-hour general strike in Caracas Wednesday and Thursday, in a continuation of protests over President Nicolas Maduro's plan to elect a new assembly next weekend and rewrite the country's constitution.

Deputy Simon Calzadilla, speaking for Unidad Democrática, urged Venezuelans to go to their electoral centers Monday at 10 a.m. to place banners and protest signs that say "in my voting place there won't be constituent assembly."

Calzadilla, in an email, also asked citizens to rally to Caracas next Friday to "demand massively" that Maduro's government halt the assembly vote.

"If the regime doesn't cancel this fraud by Friday, the party will inform of the actions it will behold on July 29 and 30," Calzadilla said in the statement. "Center by center, street by street, neighborhood by neighborhood to defeat Maduro's proposal."

Maduro has signaled he would proceed despite U.S. threats of "strong and swift economic actions" and a symbolic vote against it by 7.5 million Venezuelans who participated in an unsanctioned ballot. With the oil-exporting economy already in a tailspin, investors say some sort of ban on crude exports from Venezuela may force the country into default on its debt.

France tax system uncertain; Macron's rating slips

(Tribune News Service) — President Emmanuel Macron's approval rating fell sharply in the past month as French voters were either confused by plans for the tax system, shocked by a dispute with the head of the army or unsettled by upcoming labor laws reform, an Ifop pollster told Journal du Dimanche.

The rating for Macron, elected in early May, fell 10 percentage points to 54 percent this month, the second-biggest decline for a French president so soon after election. Jacques Chirac dropped 15 points from his May 1995 election to July, the Paris-based pollster said.

Prime Minister Edouard Philippe's approval rating also fell, by eight points to 56 percent. The survey for JDD was conducted by phone and online July 17-22 among 1,947 respondents; no margin of error was given.

"Macron's entry in the atmosphere is brutal, he's facing the brunt of several sectors in society," Jerome Fourquet, the head of Ifop opinion polls, told Journal du Dimanche. Fourquet said a tax increase that will hit retirees, new



TAX SYSTEM CONFUSION: Emmanuel Macron at his campaign headquarters on April 9 in Paris, France. Jerome Domine/Abaca Press/Tribune News Service

measures that that will curtail civil servants' advantages and his demonstrations of "authoritarian style" in

some cases were among reasons cited by those surveyed. "Some of those polled were openly criticizing a presidency based on communication," he added.

Tough week

The survey follows a tough week for the 39-year-old leader. While many had expected Macron's ambitious reform plans to crash into reality, his first major political test came July 19 in an unexpected dispute with France's top military commander General Pierre de Villiers, who resigned following a clash with Macron over budgetary matters. Macron sought to calm the quarrel with the French military in a visit to an airbase the next day.

France's youngest president ever, a former banker who was not aligned with either major party and who had never held — or run for — elective office, defeated the populist and nationalist National Front leader Marine Le Pen. While he did win with more than 66 percent of the votes, many voters abstained or cast an invalid ballot in form of protest, making Macron's electoral base rather fragile.

Car bomb kills 24 in Kabul

KABUL (Reuters) — A suicide attacker detonated a car bomb in the western part of Kabul on Monday, killing at least 24 people and wounding 40, and the death toll could rise, an Interior Ministry spokesman in the Afghan capital said.

Police cordoned off the area, located near the house of the deputy government Chief Executive Mohammad Mohaqiq in a part of the city where many of the mainly Shi'ite Hazara community live, but they said the target of the attack was so far unclear.

A small bus owned by the Ministry of Mines had been destroyed, government security sources said.

Acting Interior Ministry spokesman Najib Danish said at least 24 people had been killed and 40 wounded but the casualty toll could rise further.

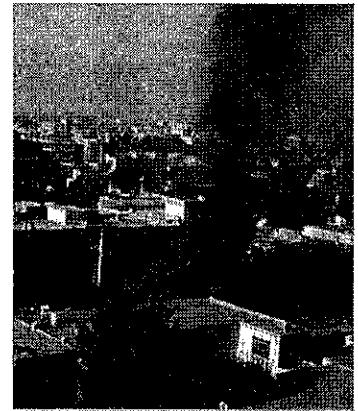
Salim Rasouli, director of the city's

hospitals, said at least 13 dead and 17 wounded had been taken to hospitals.

The latest suicide bombing adds to the unrelenting violence in Afghanistan, where at least 1,662 civilians were killed in the first half of the year. It came two weeks after the Islamic State group claimed an attack on a mosque in the capital that killed at least four people.

Kabul has accounted for at least 20 percent of all civilian casualties this year, including at least 150 people killed in a massive truck bomb attack at the end of May, according to United Nations figures.

The Taliban, which is battling the Western-backed government for control of Afghanistan, has launched a wave of attacks around the country in recent days, sparking fighting in more than half a dozen provinces.



DEADLY EXPLOSION: Smoke is shown rising after an explosion at Zawil Institute of Higher Education in Kabul, Afghanistan July 24 in this still photograph uploaded on social media.

Ahmad Shuja/Social Media/Handout via Reuters

GUAM ENVIRONMENTAL PROTECTION AGENCY BOARD OF DIRECTORS MEETING

Thursday, July 27, 2017 • 4:00PM • Main Office Conference Room

AGENDA: I. Call to Order; II. Approval of Agenda; III. Approval of June 22, 2017 Minutes; IV. Administrator's Report; V. New Business: Approval of Draft Above Ground Storage Tank Statutes, Notice of Defense/Appeal Tsong Brothers Corp.; VI. Old Business; VII. Miscellaneous; VIII. Next Meeting Date/Adjournment

Individuals requiring special accommodations, auxiliary aids or services should contact Guam EPA by calling 300.4751/9 or by emailing vilma.bolajadia@epa.guam.gov

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f/GuamEPA @GuamEPA @GuamEPA



The Honorable
EDDIE B. CALVO
Governor



The Honorable
RAY TENORIO
Lt. Governor

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**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
Thursday, July 6, 2017, 3:00 p.m.
GIAA TERMINAL CONFERENCE ROOM #3**

1. CALL TO ORDER AND ATTENDANCE

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Directors Present:

Ricardo C. Duenas
Katherine C. Sgro
Gurvinder "Bic" Sobti
Martin J. Gerber

Offices or positions:

Chairman
Vice Chairperson
Board Secretary

Directors Absent:

Lucy M. Alcorn (Excused)
Rosalinda A. Tolan (Excused)
Deedee S. Camacho (Excused)

GIAA Officials:

Pedro R. Martinez	Deputy Executive Manager
Jean M. Arriola	Airport Services Manager
Gerard Bautista	Air Terminal Manager
Ray Santos	Airport Fire Chief, Acting
Antonio Taitingfong	Airport Police Assistant Chief
Ann Bautista	General Accounting Supervisor
Victor Cruz	Engineering Supervisor
Rolenda Faasualmalie	Airport Marketing Administrator
Joseph Javellana	Program Coordinator IV
Janalynn Cruz Damian, Esq.	GIAA Legal Counsel
Frank Santos	Consultant

Chairman Duenas welcomed Airport tenants, stakeholders, and members of the public who are noted in a sign-in sheet attached to these minutes.

2. APPROVAL OF AGENDA

Motion to approve the agenda as presented duly made by Vice Chairperson Sgro, seconded by Director Sobti; motion unanimously passed.

3. APPROVAL OF MINUTES

A. May 25, 2017 Regular Meeting

No corrections or changes were recommended. On motion duly made by Vice Chairperson Sgro, seconded by Director Gerber, the following resolution was unanimously passed:

Resolution No. 17-32

The Board hereby approves the minutes of the May 25, 2017 regular meeting, subject to corrections.

4. CORRESPONDENCE

Deputy Executive Manager Martinez had no Correspondence to report.

5. OLD BUSINESS

A. Status Updates of Capital Improvement Projects

Mr. Frank Santos, Consultant, announced that as indicated at the last Board meeting, the Capital Improvement Projects (CIP) reports are being worked on with Accounting, consolidated and reformatted, therefore the status updates will be available at the next Board meeting. The Board had no objections.

6. NEW BUSINESS

A. Approval of Award for Airfield Pavement Contaminant Removal and Sweeper Services - IFB No. GIAA-006-FY17

Deputy Executive Manager Martinez provided background information to the Board on the referenced IFB. Eleven (11) firms/individuals purchased bid packages and only one (1) firm submitted a bid before the submission deadline. The one (1) firm was evaluated and determined to be acceptable. As required by the Guam Procurement Regulations, the bid was publicly opened and read aloud in the presence of the bidder. The bid price submittal is as follows:

Hawaiian Rock Products:					
Item No.	Estimated Quantity for Work Order No. 1	Description	Unit Measure	Unit Price	Extended Price
1.a	195,534 Sq. Ft.	Contaminant removal	Square feet	\$0.90	\$175,980.60
1.b	-	Disposal of waste	Gallon	\$0.02	-

Total Unit Price for Item 1 (a+b):				\$0.92	-
Total Extended Price for Item 1.a.				-	\$175,980.60
2.	-	Sweeper services	Square feet	\$0.05	-
Total Unit Price for Item 2:				\$0.05	-

Deputy Executive Manager Martinez informed the Board that Hawaiian Rock Products has been determined to have met the standards of responsibility and responsiveness outlined in the Guam Procurement Regulations and has been deemed as the lowest responsible, responsive bidder. Therefore, it is recommended that the contract awards be based on the following:

The total contract award is for Item 1 (a+b) in the unit amount of \$0.90 per square foot for contaminant removal and \$0.02 per gallon for disposal services, and for Item 2 in the unit amount of \$0.05 per square foot for sweeper services. The firm's extended bid price for Item 1 (a) (Work Order No. 1) in the amount of \$175, 980.00. Funding for this bid is available under the O & M Budget for FY2017.

Mr. Gerard Bautista, Air Terminal Manager, briefed the Board on the locations and process, stating that the rubber build-up was quite a concern and GIAA was only able to remove one (1) layer of build-up at a time, due to the process being so time consuming. With the new services, the process will be expedited and the hazardous waste will be disposed of in an environmentally safe manner.

Director Sobti inquired on the schedule for these services. Mr. Bautista replied that he is anticipating twice a year.

Director Gerber inquired as to the reason for only one (1) firm providing a bid. Mr. Bautista believed that it was the lack of understanding with regard to the pavement contaminants. Vice Chairperson Sgro inquired on the funds available for this project under the O & M budget. Legal counsel clarified that all services under the contract shall be by work orders that will be issued whenever the services are required, based on the unit prices contained in the bid.

Director Gerber inquired on the purchasing of equipment. Ms. Jean Arriola, Airport Services Manager, added that the contract terms would be one year with the option to extend, leaving that opportunity open. Mr. Frank Santos also added that the Airport's own equipment is currently providing the sweeping services to the runway, however both machines are down, the contract would eliminate purchasing, operating and maintenance.

After further discussion, on motion duly made by Director Sobti, seconded by Vice Chairperson Sgro, the following resolution was unanimously approved:

Resolution No. 17-33

The Board hereby approves the contract award for Airfield Pavement Contaminant Removal and Sweeper Services - IFB No. GIAA-006-FY17 to Hawaiian Rock Products, Item 1 (a+b) in the

unit amount of \$0.90 per square foot for contaminant removal and \$0.02 per gallon for disposal services, and for Item 2 in the unit amount of \$0.05 per square foot for sweeper services, subject to review by legal counsel.

B. Approval of Award for Creative Design, Production, and Passenger and Customer Service Programs - RFP No. GIAA-005-FY17

Deputy Executive Manager Martinez provided background information to the Board on the referenced RFP including the scope of services, contract term, dates of advertisement of the RFP, proposal submission deadline, and the number of interested proposers. A total of seventeen (17) firms showed their interest by obtaining the RFP package. An evaluation committee was established to evaluate the four (4) proposals that were submitted before the established deadline. The proposals were evaluated on a point system assigned for each criteria identified in the RFP package. As a result of the evaluation committee's tabulation, the selected firms in order of their ranking are as follows:

1. Proposer C
2. Proposer D
3. Proposer A
4. Proposer B

Management recommends the approval of the ranking results and the contract award to Proposers C and D, the highest ranked proposers, subject to negotiations of fair and reasonable fees. In the event that the negotiations prove unsuccessful, GIAA Management will enter negotiations with the next highest ranked proposer.

The Chairman inquired on the services. Ms. Rolenda Faasuamalie, Airport Marketing Administrator, replied that the creative services fall under the Marketing division, and business prospectus and corporate profile development, videography and graphic support, and for customer service programs, there are plans to do surveys at passenger touch points to evaluate performance and find ways to increase passenger satisfaction.

Vice Chairperson Sgro asked if any of these programs are related to the International Arrivals Corridor project. Ms. Faasuamalie replied that signage for the International Arrivals Corridor project will be included. Vice Chairperson Sgro went on to inquire if there was an established budget. Ms. Faasuamalie informed the Board that a budget was submitted as part of the O & M budget for FY2017. Ms. Jean Arriola added that the contract includes approximately 7-8 service areas, and work will be assigned on a task order basis. Yearly recurring tasks include GIAA's Annual Report, GIAA Website and other collateral materials. The annual budget is about \$250,000.00 - \$300,000.00. The Deputy Executive Manager informed the Board that the contract is for a period of three (3) years with two (2) one (1) year options to renew.

After further discussion, on motion duly made by Vice Chairperson Sgro, seconded by Director Gerber, the following resolution was unanimously approved:

Resolution No. 17-34

The Board hereby approves the ranking results as presented and the contract award to Proposers C & D for Creative Design, Production, and Passenger and Customer Service Programs - RFP No. GIAA-005-FY17, subject to Management's negotiation of fair and reasonable fees and review by legal counsel.

Deputy Executive Manager Martinez informed the Board that Proposer 'C' is Big Fish Creative and Proposer 'D' is Ruder Integrated Marketing Strategies.

C. Approval of Award for Construction Management Services for GIAA Aircraft Rescue & Fire Fighting (ARFF) Facility Construction - RFP No. GIAA-006-FY17

Deputy Executive Manager Martinez provided background information to the Board on the referenced RFP including the scope of services, contract term, dates of advertisement of the RFP, proposal submission deadline, and the number of interested proposers. A total of twenty-three (23) firms showed their interest by obtaining the RFP package. An evaluation committee was established to evaluate the seven (7) proposals that were submitted before the established deadline. The proposals were evaluated on a point system assigned for each criteria identified in the RFP package. As a result of the evaluation committee's tabulation, the selected firms in order of their ranking are as follows:

1. Proposer G
2. Proposer E
3. Proposer F
4. Proposer A
5. Proposer D
6. Proposer B
7. Proposer C

Management recommends the approval of the ranking results and the contract award to Proposer G, the highest ranked proposer, subject to negotiation of fair and reasonable fees. In the event that the negotiations prove unsuccessful, GIAA Management will enter into negotiations with the next highest ranked proposer.

After further discussion, on motion duly made by Director Gerber, seconded by Vice Chairperson Sgro, the following resolution was unanimously approved:

Resolution No. 17-35

The Board hereby approves the ranking results as presented and the contract award to Proposer G for Construction Management Services for GIAA Aircraft Rescue & Fire Fighting (ARFF) Facility Construction - RFP No. GIAA-006-FY17, subject to Management's negotiation of fair and reasonable fees and review by legal counsel.

Deputy Executive Manager Martinez informed the Board that Proposer 'G' is Lyon Associates, Inc.

D. Approval of Board Resolution No. 17-36: Agreement for Legal Services

Director Sobti and Director Gerber chose not to participate in the discussion on the referenced extension to Legal Services Agreement because of conflict of interest with Torres Law Group.

Due to the lack of a quorum to vote on the matter, Chairman Duenas announced that this item would be tabled until the next Board meeting.

7. REPORT OF THE EXECUTIVE MANAGER

Reference is made to the Executive Manager's Report included as part of the Board's packet, which was presented by Deputy Executive Manager Martinez.

8. REPORT OF THE COMPTROLLER

Ms. Ann Bautista reported on the revenues and expenses of the Authority as of **May 31, 2017**. Ms. Bautista reported that year-to-date Total Signatory Revenues are above budgeted revenues by **4.5%**, year-to-date Total Concession Revenues and Passenger Facility Charges are below budget by **-0.6%** and above budget by **6.2%**, respectively. Year-to-date Total Other Revenues, inclusive of non-signatory and non-airline revenues are above the budget estimate by **28.4%**. Year-to-date Total Operating Revenues Actual of **\$51.9M** is **8.5%** above the budget estimate of **\$47.9M**. Year-to-date Total Operating Expenses are below budget by **-4.8%**. Components of this line item include a **-2.4%** decrease in Personnel Service, a **-1.1%** decrease in Contractual Services, a **-58.0%** decrease in Materials & Supplies and a **-61.5%** decrease in Equipment/Furnishings from budgeted amounts for these respective categories. The actual year-to-date Net Revenues from Operations of **\$22.6M** reflects an increase of **32.7%** over the year-to-date budgeted amount of **\$17.1M**. Ms. Bautista reported that the year-to-date Debt Service Coverage is at **1.59** versus the requirement of **1.25**.

9. EXECUTIVE SESSION

The next item on the agenda was Executive Session.

Upon written recommendation of counsel, on motion duly made by Director Sobti, seconded by Vice Chairperson Sgro, and unanimously approved, the Board recessed to convene into Executive Session after the recess at 3:42 p.m.

The Board convened into Executive Session at 3:48 p.m. to discuss pending or threatened litigation to which GIAA is or may be a party. Attending Executive Session were Directors Duenas, Sgro, Sobti and Gerber, Deputy Executive Manager Martinez, and Legal Counsel, Janalynn Cruz Damian. Also present was the court reporter who will prepare a transcript of the Executive Session.

Executive Session adjourned at 4:11 p.m., at which time the Board reconvened the regular session.

At this time Chairman Duenas announced that relative to the civil lawsuit brought on by Mr. Joshua Mesa against the Airport and GIAA Police Officer Vincent Castro, the Board requests that Legal Counsel work with Management on all issues relating to that lawsuit.

After further discussion, on motion duly made by Director Gerber, seconded by Vice Chairperson Sgro, the following resolution was unanimously approved:

Resolution No. 17-36

The Board hereby directs and authorizes Legal Counsel to work with GIAA Management on all issues relating to the civil lawsuit brought on by Mr. Joshua Mesa versus the Airport and GIAA Police Officer Vincent Castro.

10. PUBLIC COMMENTS

There were no Public Comments.

11. ADJOURNMENT

Motion to adjourn duly made by Director Sobti, seconded by Director Gerber; motion unanimously passed. The meeting was adjourned at 4:12 p.m.

Dated this _____, day of _____, 2017.

Attest:

Ricardo C. Duenas
Chairman

Gurvinder Sobti
Secretary

Prepared and Submitted By:

Amanda O'Brien-Rios
Corresponding Secretary

AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) - GUM
FISCAL YEARS 2018-2020 (7/19/17)

<u>FISCAL</u> <u>YEAR</u>	<u>PROJECT</u> <u>DESCRIPTION</u>	<u>ESTIMATED</u> <u>COST</u>	<u>FEDERAL</u> <u>SHARE</u>	<u>SPONSOR</u> <u>SHARE</u>	<u>REMARKS</u>
2018	NOISE MITIGATION PROGRAM 65 DNL AND HIGHER, PH5	2,222,223	2,000,000	222,223	Surrounding airport property
	CONCOURSE ISOLATION with SEISMIC UPGRADES, PH3	5,000,000	4,500,000	500,000	Terminal
	ARFF FACILITY - CONSTRUCT, PH2	18,718,348	16,846,513	1,871,835	Airfield/South Tiyan
	APRON REHABILITATION, PH2	5,500,000	5,000,000	500,000	Terminal Apron
	REHABILITATE RUNWAY 6L-24R, PH1	1,250,000	1,125,000	125,000	Airfield
	CARGO APRON & FUEL SYSTEM EXTENSION - DESIGN/CONSTRUCT, PH1	1,500,000	1,350,000	150,000	Airfield/North Tiyan
	Totals:	<u>\$ 34,190,571</u>	<u>\$ 30,821,513</u>	<u>\$ 3,369,058</u>	
2019	NOISE MITIGATION PROGRAM 65 DNL AND HIGHER, PH6	2,222,223	2,000,000	222,223	Surrounding airport property
	CONCOURSE ISOLATION with SEISMIC UPGRADES, PH4	5,000,000	4,500,000	500,000	Terminal
	CARGO APRON & FUEL SYSTEM EXTENSION - DESIGN/CONSTRUCT, PH2	8,500,000	7,650,000	850,000	Airfield/North Tiyan
	APRON REHABILITATION, PH3	5,500,000	5,000,000	500,000	Airfield
	REHABILITATE RUNWAY 6L-24R, PH2	2,222,223	4,000,000	222,223	Airfield
	Totals:	<u>\$ 23,444,446</u>	<u>\$ 23,150,000</u>	<u>\$ 2,294,446</u>	
2020	NOISE MITIGATION PROGRAM 65 DNL AND HIGHER, PH7	2,222,223	2,000,000	222,223	Surrounding airport property
	CONCOURSE ISOLATION with SEISMIC UPGRADES, PH5	5,000,000	4,500,000	500,000	Terminal
	CARGO APRON & FUEL SYSTEM EXTENSION - DESIGN/CONSTRUCT, PH2	4,000,000	3,600,000	400,000	Airfield/North Tiyan
	AIRPORT MASTER PLAN UPDATE	900,000	810,000	90,000	Planning
	RUNWAY PROTECTION ZONE INITIATIVES STUDY	650,000	585,000	65,000	Planning
	IMPROVE SEWER/DRAINAGE UTILITIES-PH1	7,500,000	6,750,000	750,000	Airport Property
		<u>\$ 20,272,223</u>	<u>\$ 18,245,000</u>	<u>\$ 2,027,223</u>	
	ESTIMATED TOTAL ACIP PROGRAM:	<u>\$ 77,907,240</u>	<u>\$ 72,216,513</u>	<u>\$ 7,690,727</u>	



A.B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY
P.O. Box 8770
Tamuning, Guam 96931

CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 2018

		<u>FUNDING SOURCE</u>			<u>Cost Center</u>	<u>DESCRIPTION & NEED</u>
	<u>PROJECT NAME</u>	<u>BUDGET</u>	<u>CIF</u>	<u>FEDERAL</u>		
1	NOISE MITIGATION PROGRAM 65 DNL AND HIGHER - PHASE 5	\$ 2,222,223	\$ 222,223	\$ 2,000,000	AA	Implementation of findings under the Part 150 Noise Study (multi-year)
2	CONCOURSE ISOLATION with SEISMIC UPGRADES, DESIGN/CONSTRUCT, PH3	5,000,000	500,000	4,500,000	TB	Eliminate concourse separation with new arrivals corridor with vertical circulations pods and seismic upgrades
3	ARFF FACILITY - DESIGN/CONSTRUCT, PH2	18,718,348	1,871,835	16,846,513	AA	Replace old Navy ARFF facility with new integrated and code compliant facility that meet FAA standards
4	CARGO APRON & FUEL SYSTEM EXTENSION - DESIGN/CONSTRUCT, PH1	1,500,000	150,000	1,350,000	AA	Design and construction of new cargo aprons adjacent to integrated cargo facility with fuel hydrant pits
5	APRON REHABILITATION, PH1	5,555,555	555,555	5,000,000	AP	Assess and design rehabilitation improvements to terminal aprons
6	REHABILITATE RUNWAY 6L-24R, PH1	1,250,000	125,000	1,125,000	AF	Rehabilitate distressed areas of terminal aprons and taxiways.
7	EXPAND SECURITY SCREENING CHECKPOINT	1,600,000	1,600,000		TB	Expand checkpoint with 2 additional screening lanes
Totals:		\$ 35,846,126	\$ 5,024,613	\$ 30,821,513		

Note: All projects are subject to funding availability and FAA issuance of grant agreements.



A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEARS THROUGH 2017
as of 07/27/17

	PROJECT NAME	Bond	Federal	CIF	Total	Payment	Balance
I. ONGOING							
1	AIP97 Int'l Arrivals Corridor w/Bldg Seismic Upgrades	96,108,007	13,200,000	1,126,940	110,434,947	17,716,929	92,718,018
2	AIP91 Acquire ARFF Truck/RIV - Pkg 2		1,251,000	139,000	1,390,000	704,769	685,231
3	AIP93 Noise Mitigation Program 65 DNL & Higher - Phase		2,000,000	200,000	2,200,000	71,406	2,128,594
4	AIP94 Miscellaneous Airport Improvements - Ph 5		706,077	78,453	784,530	640,401	144,129
5	AIP95 Wildlife Management Assessment		100,000	10,000	110,000	45,623	64,377
6	AIP96 Safety Management System		150,000	30,000	180,000	2,932	177,068
7	AIP98 ARFF Facility-Design/Construction Phase 1	422,472	1,000,000	100,000	1,522,472	71,800	1,450,672
8	AIP99 Apron Rehabilitation - Design		810,000	81,000	891,000	3,505	887,495
9	Hold Bag Screening Relocation	5,369,933	24,899,330		30,269,263	25,920,494	4,348,769
10	Parking Expansion	1,654,912		904,881	2,559,793	1,654,912	904,881
11	Upgrade Airport IT & FMS	389,118		1,000,000	1,389,118	389,118	1,000,000
12	SSCP Improvements			1,600,000	1,600,000	-	1,600,000
13	Art Program	639,000			639,000	-	639,000
14	Improve Leasehold Facilities (GSE, Tech, HC-5)			2,686,386	2,686,386	1,584,547	1,101,839
15	Tiyan Land Acquisition & Redevelopment			787,415	787,415	703,703	83,712
16	Facilities Fire Alarm/Suppression System			3,223,301	3,223,301	3,083,600	139,701
17	Upgrades to Public Restrooms - Final Phase			2,554,910	2,554,910	2,323,081	231,829
18	Maintenance Equipment			100,000	100,000	-	100,000
19	Airport Facilities Upgrades, Phased			5,037,160	5,037,160	4,696,840	340,320
20	Painting & Exterior Surface Improvements and Replace Roofing Systems			2,509,934	2,509,934	2,431,734	78,200
	Totals:	\$ 104,583,442	\$ 56,417,407	\$ 39,441,548	\$ 171,869,229	\$ 62,045,394	\$ 108,823,835



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I –OFFER

Date of Offer	<u>July 13, 2017</u>
Airport/Planning Area	<u>Guam International</u>
AIP Grant Number	<u>3-66-0001-100-2017</u>
DUNS Number	<u>855035531</u>
TO:	<u>The A.B. Won Pat Guam International Airport Authority</u> (herein called the "Sponsor")

FROM: **The United States of America**(acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated April 22, 2016, for a grant of Federal funds for a project at or associated with the Guam International Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Guam International Airport (herein called the "Project") consisting of the following:

Modify Terminal Building Sterile Arrival Corridors - Construction

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. § 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. § 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay as the United States share one hundred (100) percent for the first \$2,000,000 of the allowable costs incurred in accomplishing the Project, and ninety (90) percent of the allowable costs thereafter.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$4,450,500.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0	for planning
\$4,450,500	for airport development or noise program implementation; and,
\$0	for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR §200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR §200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before August 30, 2017, or such subsequent date as may be prescribed in writing by the FAA.

9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
- A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - B. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.
- The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.
- The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.
- An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

- 15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
- 16. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
- 17. Maximum Obligation Increase For Primary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
 - B. May be increased by not more than 15 percent for development projects;
 - C. May be increased by not more than 15 percent for land project.
- 18. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.
- 19. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR §180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
 - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR §180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debars a contractor, person, or entity.
- 20. Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. AIP Funded Work Included in a PFC Application.

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

22. Employee Protection from Reprisal.

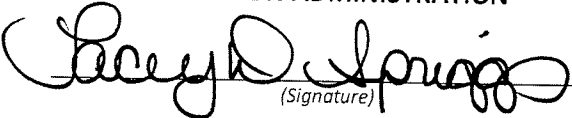
A. Prohibition of Reprisals –

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the grantee or subgrantee; or
 - vii. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General – Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b)
6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

23. Plans and Specifications Prior to Bidding. The Sponsor agrees that it will submit plans and specifications for FAA review and approval prior to advertising for bids.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**


(Signature)

Lacey D. Spriggs

(Typed Name)

**Acting Manager, Honolulu Airports District
Office**

(Title of FAA Official)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____, _____.

A. B. Won Pat Guam International Airport**Authority**

(Name of Sponsor)

(SEAL)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Typed Title of Sponsor's Designated Official Representative)

Attest: _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the Territory of Guam. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ (location) this _____ day of _____, _____.

By:

(Signature of Sponsor's Attorney)

¹Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4,5,6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.¹²
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
 - ² These laws do not apply to private sponsors.
 - ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
 - ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
 - ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
 - ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.
- 2. Responsibility and Authority of the Sponsor.**
- a. Public Agency Sponsor:
It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
 - b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
 - e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
 - g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.
6. **Consistency with Local Plans.**
- The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
7. **Consideration of Local Interest.**
- It has given fair consideration to the interest of communities in or near where the project may be located.
8. **Consultation with Users.**
- In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
9. **Public Hearings.**
- In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.
10. **Metropolitan Planning Organization.**
- In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental

and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 - 2) So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **A.B. Won Pat Guam International Airport** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated January 24, 2017 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



FAA Airports

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 1/24/2017

View the most current versions of these ACs and any associated changes at:

http://www.faa.gov/airports/resources/advisory_circularsand

http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Change 1	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30D	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design

NUMBER	TITLE
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16D	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements of Changes
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation

NUMBER	TITLE
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30H	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures

NUMBER	TITLE
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49C	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 01/24/2017

NUMBER	TITLE
150/5100-14E Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 6	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

**ANTONIO B. WON PAT
INTERNATIONAL AIRPORT AUTHORITY, GUAM
BOARD OF DIRECTORS
EXECUTIVE SUMMARY**

**INVITATION FOR BID
GIAA AIRCRAFT RESCUE FIRE FIGHTING (ARFF) FACILITY
PHASE I - DEMOLITION, REMEDIATION AND SITE PREPARATION
IFB NO. GIAA-C02-FY17
PROJECT NO. GIAA-FY15-04-5; AIP No. 3-66-0001-XXX**

July 27, 2017

Purpose

Board action is requested to approve the bid award of the above project under the Invitation For Bid No. GIAA-C02-FY17.

Background

The project is to provide construction work inclusive of all labor, materials, supplies and equipment to GIAA (ARFF) Facility Phase I - Demolition, Remediation and Site Preparation.

Procurement Background

The solicitation announcement was advertised through the local newspaper during the month of June 2017. The bid submission deadline and bid opening took place on July 20, 2017.

Eleven (11) firms/individuals purchased bid package and five (5) firms submitted bids before the submission deadline. The firms were evaluated and all were determined to be acceptable. As required by the Procurement Rules and Regulations, the bids were publicly opened and read aloud in the presence of the bidders.

The submitted bids are presented below:

BIDDER'S NAME	AMOUNT
Primo's Heavy Equipment	\$1,280,000.00
Korando Corporation	\$469,000.00
Ian Corporation	\$666,077.15
Maeda Pacific Corp.	\$989,100.00
BME & Sons Inc.	\$1,618,088.00

Legal Review

Upon receipt of the required Performance and Payment Bonds, contract documents will be forwarded to legal counsel for review prior to execution and issuance of Notice to Proceed.

Financial Review

The lowest responsive, responsible total bid amount received is \$469,000.00 or 67% below government estimate of \$1,400,000.00. In its letter July 26, 2017, Korando Corp. has confirmed its bid price of \$469,000.00 and its ability to complete the project in 120 calendar days after NTP. Funding for this project is available under AIP Grant.

Recommendation

Management recommends the contract award of **\$469,000.00** to **Korando Corporation**, who has been determined to have met the standards of responsibility and responsiveness outlined in Guam Procurement Regulation.

July 26, 2017

MEMORANDUM

TO: Charles H. Ada II, Executive Manager

FROM: Franklin P. Taitano, Supply Management Administrator
Tony Laniog, Engineer III

SUBJECT: Bid Evaluation and Recommendation "Invitation For Bid"
GIAA Aircraft Rescue Fire Fighting (ARFF) Facility Phase I -
Demolition, Remediation And Site Preparation
IFB No. GIAA-C02-FY17
Project No. GIAA-FY15-04-5; AIP No. 3-66-0001-XXX

Procurement Background:

The above referenced Invitation For Bid was publicly announced through the local newspaper during the month of June 2017. A pre-bid conference was held on June 12, 2017 at the Terminal Conference Room. The bid submission deadline and bid opening took place on July 20, 2017.

Eleven (11) firms/individuals purchased the bid package and five (5) firms submitted bids before the bid submission deadline. The bid submittals were opened in the presence of the bidders, members of the public and several GIAA representatives. The bid offer was read aloud by the Supply Management Administrator and tabulated by a Procurement staff.

The results of the bid price submittals are as follows in the order they were received and opened:

BIDDER'S NAME	AMOUNT
Primo's Heavy Equipment	\$1,280,000.00
Korando Corporation	\$469,000.00
Ian Corporation	\$666,077.15
Maeda Pacific Corp.	\$989,100.00
BME & Sons Inc.	\$1,618,088.00

Bid Analysis and Evaluation:

Pursuant to Section 9 of the Instructions to Bidders, the contract is to be awarded, if it is to be awarded, as soon as possible to the lowest responsible, responsive bidder. To determine the responsibility of bidders, the bid package specified the required documents that bidders must submit with their bid packages. The attached abstract illustrates the inventory of required documents and bidders submittal.

Primo's Heavy Equipment: The firm has submitted a total bid price of **\$1,280,000.00**. The submitted Statement of Bidders Experience form included lists of projects from 2011-2016 with resumes. The bidder submitted a copy of their current Guam Contractors License **#7314, #7940**. All other required documents are complete and in conformance with the Invitation For Bid.

Korando Corporation.: The firm has submitted a total bid price of **\$469,000.00**. The submitted Statement of Bidders Experience form included lists of projects from 2013-2017 with resumes. The bidder submitted a copy of their current Guam Contractors License **#5172, #7940**. All other required documents are complete and in conformance with the Invitation For Bid.

Ian Corporation.: The firm has submitted a total bid price of **\$666,077.15**. The submitted Statement of Bidders Experience form included lists of projects from 2012-2016 with resumes. The bidder submitted a copy of their current Guam Contractors License **#8524, #7940**. All other required documents are complete and in conformance with the Invitation For Bid.

Maeda Pacific Corporation: The firm has submitted a total bid price of **\$989,100.00**. The submitted Statement of Bidders Experience form included lists of projects from 2007-2017 with resumes. The bidder submitted a copy of their current Guam Contractors License **#1009, #7940, #5416**. All other required documents are complete and in conformance with the Invitation For Bid.

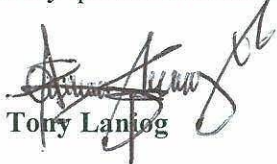
BME & Sons Inc.: The firm has submitted a total bid price of **\$1,618,088.00**. The submitted Statement of Bidders Experience form included lists of projects from 2009-2016 with resumes. The bidder submitted a copy of their current Guam Contractors License **#3028, #7940**. All other required documents are complete and in conformance with the Invitation For Bid.

Recommendation:

Pursuant to the guidelines in Item 9 of the Instruction to Bidders, the award of contract will be made to the **lowest responsible, responsive bidder**. Korando Corporation has been determined to have met the standards of responsibility and responsiveness outlined in the Guam Procurement Regulations and has deemed to be the lowest responsible, responsive bidder.

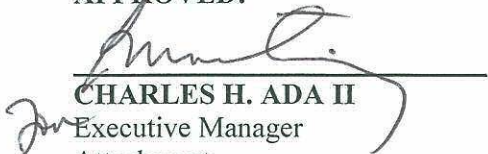
Therefore, it is recommended that **Korando Corporation** be awarded the contract in the amount of **\$469,000.00** for this project.

Should you have any questions or concerns, please call our office at your convenience.


Tony Lantog


Franklin P. Taitano

APPROVED:


CHARLES H. ADA II
Executive Manager
Attachment

cc: Admin/Proc/Eng/Expansion

AFFIDAVIT DISCLOSING OWNERSHIP AND COMMISSIONS

CITY OF Tamuning)
Guam) ss.

A. I, the undersigned, being first duly sworn, depose and say that I am an authorized representative of the offeror and that *[please check only one]*:

☐ The offeror is an individual or sole proprietor and owns the entire (100%) interest in the offering business.

☒ The offeror is a corporation, partnership, joint venture, or association known as *[please state name of offeror company]* _____, and the persons, companies, partners, or joint venturers who have held more than 10% of the shares or interest in the offering business during the 365 days immediately preceding the submission date of the proposal are as follows *[if none, please so state]*:

<u>Name</u>	<u>Address</u>	<u>% of Interest</u>
<u>Byong Ho Kim</u>	<u>P.O. Box 20538 G.M.F. GU</u>	<u>99.34%</u>
_____	_____	_____
_____	_____	_____

B. Further, I say that the 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 or proposal for which this affidavit is submitted are as follows *[If none, please so state]*:

<u>Name</u>	<u>Address</u>	<u>Compensation</u>
<u>NONE</u>	_____	_____
_____	_____	_____
_____	_____	_____

C. If the ownership of the offering business should change between the time this affidavit is made and the time an award is made or a contract is entered into, then I promise personally to update the disclosure required by 5 GCA §5233 by delivering another affidavit to the government.

Signature of one of the following:

Offeror, if the offeror is an individual,
Partner, if the offeror is a partnership;
Officer, if the offeror is a corporation

Subscribed and sworn to
before me this day of 19th JULY, 2017

NOTARY PUBLIC

My commission expires: APRIL 02, 2020

JEANY T. BONDOC

NOTARY PUBLIC

In and for Guam, U.S.A.

My Commission Expires: APR. 02, 2020

P.O. Box 26823 Barrigada, Guam 96921

**THIS AFFIDAVIT MUST BE COMPLETED AND RETURNED IN THE ENVELOPE
CONTAINING THE PROPOSAL.**

INVITATION NUMBER: GIAA-C02-FY17

GIAA AIRCRAFT RESCUE FIRE FIGHTING (ARFF) FACILITY PHASE
I - DEMOLITION, REMEDIATION AND SITE PREPARATIONAntonio B. Wen Pat
Guam International Airport Authority
BID ABSTRACTOpening Date:
20-Jul-17

Page ____ of ____ pages

No. of Invitation Issued:

11

Opening Time:
2:00 P.M.

No. of Bids Received: 5

SUMMARY OF SCOPE OF WORK:

	Special Reminder to Prospective Bidders	BID GUARANTEE Cashier's Check Letter of Credit Bid Bond	Affidavit Disclosing Ownership/ Commissions	Non-Collusion Affidavit	Affidavit re No Gratuities or Kickbacks	Affidavit re Contingent Fees	Designation of Sub- contractors	Bidders Qualification Statement	Affidavit re Ethical Standards	Declaration re Compliance with U.S. DOL Wage	Grant Assurance Form	Bidders Financial Statement	Business or Contractors License	ADDENDUM(S)			TOTAL BID PRICE
														A	B	C	
1	✓	BB CK 170022APB \$2,000	✓	✓	✓	✓	(A)	(B)	✓	✓		✓	(C)	✓	✓	✓	\$ 1,200,000.00
2	✓	BB SUE 400 15183 15%	✓	✓	✓	✓	(A)	(B)	✓	✓		✓	(C)	✓	✓	✓	\$ 1,618,088.00
3	✓	BB SUE 400 15183 15%	✓	✓	✓	✓	(A)	(B)	✓	✓		✓	(C)	✓	✓	✓	\$ 1,618,088.00
4	✓	BB SUE 400 15183 15%	✓	✓	✓	✓	(A)	(B)	✓	✓		✓	(C)	✓	✓	✓	\$ 1,618,088.00
5	✓	BB 207 15%	✓	✓	✓	✓	(A)	(B)	✓	✓		✓	(C)	✓	✓	✓	\$ 1,618,088.00
6																	
7																	
8																	
9																	
10																	

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered herein.

SIGNATURE

TABULATED BY:

SIGNATURE

BASIS FOR AWARD:

- 1. LOWEST RESPONSIVE & RESPONSIBLE BIDDER
- 2. HIGHEST RESPONSIVE & RESPONSIBLE BIDDER
- 3. OTHER AWARD
- 4. THE BID
- 5. COMBINED TOTAL
- 6. ITEM PER ITEM

Date:

7/20/17

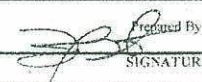
INVITATION NUMBER: GIAA-C02-FY17

GIAA AIRCRAFT RESCUE FIRE FIGHTING (ARFF) FACILITY PHASE I.
DEMOLITION, REMEDIATION AND SITE PREPARATION



Antonio B. Won Pat
International Airport Authority, Guam
NOTES/REMARKS FOR BID ABSTRACT

Vendor No.	COMMENTS
1	(A) DESIGNATES "NEXUS ENVIRONMENTAL" FOR HAZARDOUS ABATEMENT / "POLICE MASTER" FOR PAVING WORK. (B) PROJ. LIST 2011-2016, w/RESUMES (C) GCL #7514, #7940 FOR REQUIRED CII & CUB
2	(A) DESIGNATES "NEXUS ENVIRONMENTAL" FOR HAZARDOUS ABATEMENT WORK (B) PROJ. LIST 2013-2017, w/RESUMES (C) GCL #5172, #7940 FOR REQUIRED CII & CUB
3	(A) DESIGNATES "NEXUS ENVIRONMENTAL" FOR HAZARDOUS ABATEMENT WORK (B) PROJ. LIST 2012-2016, w/RESUMES (C) GCL #8524, #7940 FOR REQUIRED CII & CUB
4	(A) DESIGNATES "KINDEN CORP." FOR ELECTRICAL / "NEXUS GUAM" FOR HAZARDOUS WORK. (B) PROJ. LIST 2009-2017, w/RESUMES (C) GCL #1009, #7940, #5416 FOR REQUIRED CII & CUB.
5	(A) DESIGNATES "NEXUS GUAM" FOR ABATEMENT WORK (B) PROJ. LIST 2009-2016, w/RESUMES (C) GCL #3028, #7940, FOR REQUIRED CII & CUB
6	
7	
8	
9	
10	


 Prepared By: _____
 SIGNATURE



KORANDO CORPORATION
GENERAL CONTRACTOR

P.O. BOX 20538
GMF, GUAM 96921
TEL: (671) 649-7880
(671) 649-7881
FAX: (671) 649-7882
EMAIL: admin@korandocorp.com
acctg@korandocorp.com

July 26, 2017

Attn: Mr. Charles H. Ada II, Executive Manager
P.O. Box 8770, Tamuning, Guam 96931

RE: GIAA Aircraft Fire Fighting (ARFF) Facility Phase I – Demolition,
Remediation and Site Preparation – Project No. GIAA-FY15-04-05

Hafa Adai Mr. Charles H. Ada II,

Korando Corporation is confirming our bid price at Four Hundred Sixty-Nine Thousand Dollars (\$469,000.00) and intends to complete the project within one hundred twenty (120) calendar days from Contractor's receipt of the Notice to Proceed (NTP).

If you should have any questions please contact Mr. Francisco (Joni) Palma at 649-7880/81 or via email at j.palma@korandocorp.com.

Sincerely,

Byong Ho Kim
President

**ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
BOARD OF DIRECTORS RESOLUTION NO. 17-40**

**RELATIVE TO THE EXTENSION OF THE
AGREEMENT FOR LEGAL SERVICES - CONFLICTS COUNSEL
WITH TORRES LAW GROUP**

WHEREAS, an Agreement for Legal Services - Conflicts Counsel was entered into on August 1, 2015, by and between the ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM ("GIAA") and Torres Law Group ("Torres") (the "Torres Agreement"); and

WHEREAS, the Torres Agreement provides for a term of one year commencing on August 1, 2015, with four (4) options to extend for a period of one (1) year each, not to exceed a total contract period of five (5) years with GIAA approval; and

WHEREAS, on June 9, 2016, by Resolution No. 16-38, the Board of Directors approved the extension of the Torres Agreement for an additional one year period (1st Option) commencing on August 1, 2016, and expiring on July 31, 2017, under the same terms and conditions as set forth in the Torres Agreement; and

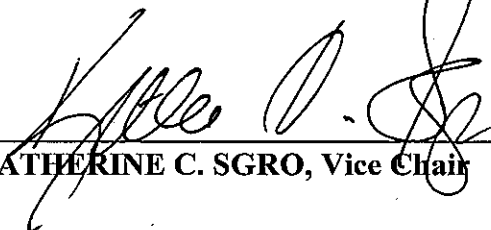
WHEREAS, the Board of Directors has determined that GIAA continues to require the services of Torres and that it is in the best interests of GIAA to extend the term of the Torres Agreement for an additional one year period commencing on August 1, 2017, under the same terms and conditions as set forth in the Torres Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of GIAA hereby extends the term of the Torres Agreement for an additional one year period commencing on August 1, 2017 and expiring on July 31, 2018, under the same terms and conditions as set forth in the Torres Agreement; and

DULY AND REGULARLY ADOPTED BY THE BOARD OF DIRECTORS OF THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM AT THE JULY 27, 2017 REGULAR BOARD MEETING.



RICARDO C. DUENAS, Chairman



KATHERINE C. SGRO, Vice Chair

Recused

GURVINDER SOBTI



LUCY M. ALCORN

Recused

MARTIN J. GERBER



ROSALINDA A. TOLAN



DEEDEE S. CAMACHO

ATTEST:

Recused

GURVINDER SOBTI, Board Secretary



July 27, 2017

AIRLINE ISSUES

Asia Pacific Airlines

Asia Pacific Airlines has announced the retirement of Mr. Robert Walker as President of Asia Pacific Airlines, effective end of June 2017. Adam Ferguson, takes the helm as President, Jason Joson appointed its Operations Manager and Edward Cho its Operations Supervisor.

Two 757s, converted from passenger planes to cargo was placed in service within the last year. Prior to the employment of the 757, Asia Pacific Airlines hauled cargo on three 727 aircraft throughout Micronesia and the Western Pacific. The airline has operated in the region since 1998, utilizing three 727 aircraft to carry freight throughout Micronesia and the Western Pacific. Its cargo routes include a 3x weekly GUM/TKK/PNI and 2x weekly GUM/HNL/MAJ/PPG (Am Samoa). Asia Pacific Airlines is Guam based and employs approximately 55 employees.

TEM Enterprises dba XTRAirways

XTRAirways, has filed for economic authority with the USDOT for a two-year period for air transport of persons, property and mail between Guam and the Northern Mariana Islands and Tinajin and Hangzhou China. In following up with their Marketing Department on their intention to operate, XTRAirways indicated they will begin their Saipan operations within the next two months and hope to expand to Guam in the future. They operate a B737-800, with 162 economy seats and 8 business class seats.

LEGISLATIVE/REGULATORY ISSUES

Legislative Oversight Hearing

Senator Frank B. Aguon, Chairman of the Committee on Guam U.S. Military Buildup, Infrastructure and Transportation, held an oversight hearing on Friday, July 14, 2017 at 10am. Discussion points included the status of the TSA Checkpoint Expansion Design, and the Status of Route 10A. Public Works Director, Glenn Leon Guerrero and Highway Administrator Joaquin Blaz, also appeared to discuss Route 10A.

FAA Visit

Two FAA officials from the ADO in Honolulu visited the Guam Airport from July 19 – 21, 2017. Steve Wong, Engineer, and Kimberly Evans, Planner/Airports Program Specialist, received status reports and inspected ongoing, FAA funded projects on the airfield, in the terminal and on the public side of Airport property. The annual Certification inspection is anticipated to take place sometime in September 2017.

FAA Grant

FAA also awarded GIAA \$4,450,500.00 in grant funding for GIAA's project to "Modify Terminal Building Sterile Arrivals Corridor –Construction. The Airport authority will work diligently to identify



opportunities for other eligible airport development funding and ensure FAA is fully aware of project status and is confident in our compliance to federal stipulations in the Grant Agreements.

TRANSPORTATION SECURITY ADMINISTRATION

TSA'S Deputy Federal Security of the Pacific – General Jimmie Jaye Wells, was on Guam from June 19 – 21, 2017, to review TSA Guam Operations. He attended the launch of Vision Hulo' and the Block Party kicking off the construction of the International Arrival Corridor.

FINANCIAL ISSUES

Fiscal Year 2018 Budget

Airport Management presented the proposed FY 2018 to signatory airlines in a budget review meeting held Monday, June 24, 2017. The final proposed FY2018 budget will be presented to the Board in the next regularly scheduled meeting for August 2017.

S&P Ratings Update

Standard & Poors (S&P) affirmed its “BBB” long-term rating and underlying rating (SPUR)* on the A.B. Won Pat International Airport, Guam's 2013 senior-lien General Revenue Bonds, with a stable outlook. The update was released June 6, 2017 and the Summary acknowledged the Airport's susceptibility to economic conditions in our key airline markets, our enplanement costs, large capital plan and demands on internal resources, and vulnerability to typhoons. However, they also acknowledged the offset to these conditions include:

- ➔ Strong enplanement growth of 4.8% in 2016; with continued strong growth of 5.2% projected for fiscal 2017 and 3.4% annually thereafter;
- ➔ Strong market position and essentiality as the only commercial facility on the island, combined with its remote location;
- ➔ Strong origin and destination (O&D) nature, with approximately 94% of total passengers traveling to or from the island; and
- ➔ Recent history of good financial performance, demonstrated by improved coverage and liquidity and good cost containment.

S&P provided an upside scenario, stating “we could raise the ratings during the two year outlook period if there is a material change to demand, and to the extent there is a significant reduction in capital needs such that higher levels of liquidity are sustained.

PROCUREMENT ISSUES

None at this time.

ANNOUNCEMENTS

- The Airport kicked off The “International Arrivals Corridor” construction project on July 19, 2017, and launched Vision Hulo’, a campaign of initiatives the Airport has adopted to promote growth, development and opportunities and enhance Guam Airport’s profile in the region and its connectivity with the world. Hereon, the Hulo’ icon will engage the community and be associated with all airport projects. We thank you for your support and participation in this event and those going forward.
- The Airport was recognized for its 2017 Liberation Float and was awarded 3rd Place in the Government of Guam Category, placing after the Port Authority of Guam, and the Guam Power/Waterworks Authority floats. We thank the Liberation Float committee and the employee support that culminated in this successful win! Biba GIAA!





July 25, 2017

MEMORANDUM

To: Mr. Ricardo C. Duenas
Chairman
GIAA Board of Directors

From: John A. Rios
Comptroller

Subject: Operating Results – Revenues and Expenses as of June 30, 2017

Attached herewith is GIAA's Operating Results Report for the month ending June 30, 2017. This report summarizes the Budgeted versus Actual Revenues and Expenses for the month and year-to-date results ended June 30, 2017.

The key operating results for 9 month(s) of FY2017 ending June 30, 2017 – (in \$000's) are

CATEGORY	Actual FY17 Current Month	YEAR-TO-DATE			FORECAST FOR FULL YEAR- FY17	
		Budget FY17 Y-T-D	Actual FY17 Y-T-D	% Variance Budget vs. Actual	Actual Y-T-D FY17 Budget	% Variance Budget vs. Estimate for Full Year
				Y-T-D Current Month		
Total Signatory Revenues	\$ 2,482.5	\$ 22,139.3	\$ 23,055.3	4.1%	\$ 31,091.8	3.0%
Total Concession Revenues	\$ 1,596.1	\$ 14,655.9	\$ 14,546.2	-0.7%	\$ 19,503.0	-0.6%
Total PFC's	\$ 506.8	\$ 5,220.6	\$ 5,415.0	3.7%	\$ 7,354.5	2.7%
Total Other Revenues	\$ 1,569.9	\$ 11,822.3	\$ 15,122.3	27.9%	\$ 19,101.0	20.9%
Total Operating Revenues	\$ 6,155.3	\$ 53,838.1	\$ 58,138.8	8.0%	\$ 77,050.3	5.9%
Total Operating Expenses	\$ 3,266.9	\$ 34,432.5	\$ 32,601.4	-5.3%	\$ 42,597.9	-4.1%
Net Revenues from Operations	\$ 2,888.4	\$ 19,405.6	\$ 25,537.4	31.6%	\$ 34,452.4	21.7%
Non-Operating Expenses	\$ 42.8	\$ 675.0	\$ 573.1	-15.1%	\$ 573.1	-15.1%
Other Available Moneys/other sources of funds	\$ 529.9	\$ 5,069.5	\$ 4,899.8	-3.3%	\$ 6,589.7	-2.5%
Net Debt Service Coverage	1.59	1.27	1.59	25.4%	1.61	17.6%

Year-to-date Total Signatory Revenues for the month ending June 30, 2017 are above Budgeted revenues by **4.1%**. Signatory revenue estimates are based on projections submitted by Signatory airlines and adopted in the annual budget.

Year-to-date Total Concession Revenues are **-0.7%** below budget while Passenger Facility Charges are above the budget estimate by **3.7%**.

Year-to-date Total Other Revenues, inclusive of non-signatory and non-airlines revenues, are above the budget estimate by **27.9%**.

Year-to-date Total Operating Revenues actual of **\$58.1M** is **8.0%** above the budget estimate of **\$53.8M**.

Year-to-date Total Operating Expenses are below budget by **-5.3%**. Components of this line item include a **-2.7%** decrease in Personnel Service, a **-2.0%** decrease in Contractual Services, a **-57.5%** decrease in Materials & Supplies and a **-61.5%** decrease in Equipment/Furnishings from budgeted amounts for these respective categories.

The actual year-to-date Net Revenues from Operations of **\$25.5M** represents a **31.6%** increase over the year-to-date budgeted amount of **\$19.4M**.

Finally, our year-to-date results for Debt Service Coverage is at **1.59** versus the requirement of **1.25**.

Should you have any questions, please contact me at your convenience.

Attachments

Cc: Board of Directors
Executive Manager
Deputy Executive Manager
Airport Services Manager
Airport Terminal Manager

GUAM INTERNATIONAL AIRPORT AUTHORITY
KEY OPERATING RESULTS (\$000's)
as of June 30, 2017

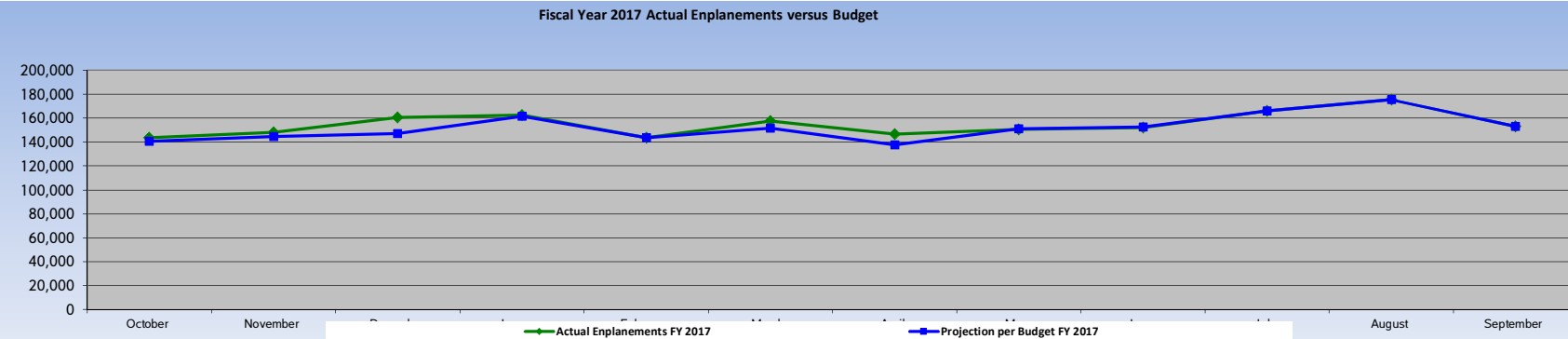
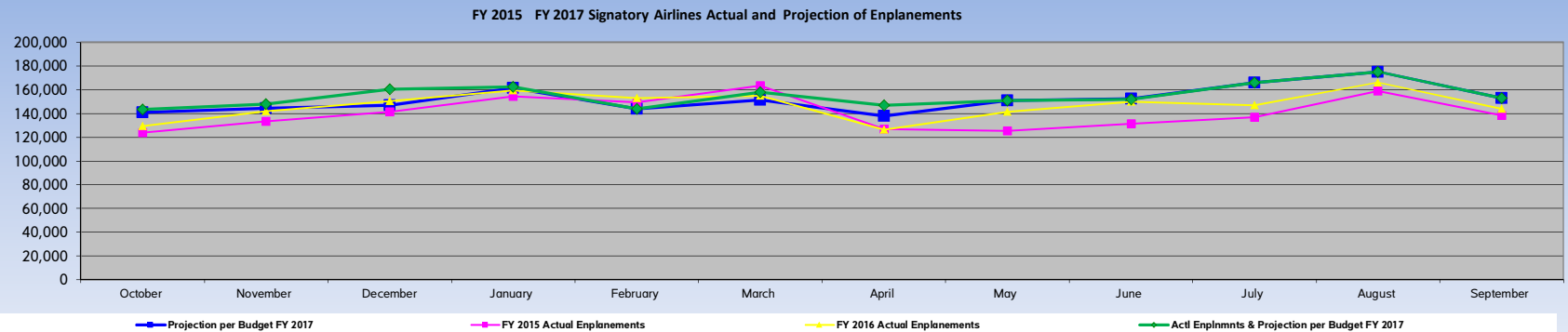
	CURRENT MONTH				Budget Full Year	YEAR - TO - DATE				FULL YEAR FORECAST	
	Actual FY2016	Budget FY2017	Actual FY2017	%Var Bud Vs Act'l		Actual FY2016	Budget FY2017	Actual FY2017	%Var Bud Vs Act'l	Actual/Est	%Var Bud Vs Act'l
I. Signatory Airline Rents & Fees											
Terminal Bldg Rentals	260.2	277.2	312.2	12.6%	3,326.7	2,328.8	2,495.0	2,817.6	12.9%	3,649.2	9.7%
Departure Fees	541.2	594.7	592.7	-0.3%	7,107.2	4,721.1	5,182.0	5,325.3	2.8%	7,250.4	2.0%
Arrival Fees	543.4	578.4	571.0	-1.3%	7,056.5	4,891.0	5,132.6	5,263.4	2.5%	7,187.3	1.9%
Immigration Inspection Fees	212.6	200.9	204.1	1.6%	2,439.6	1,912.6	1,775.4	1,871.1	5.4%	2,535.3	3.9%
Loading Bridge Use Fees	532.3	460.7	461.0	0.1%	5,848.8	5,043.4	4,309.2	4,474.8	3.8%	6,014.4	2.8%
Apron Use Fees	73.4	115.1	115.3	0.2%	1,484.3	708.3	1,095.4	1,103.9	0.8%	1,492.7	0.6%
Landing Fees	184.9	225.8	226.1	0.1%	2,912.7	1,724.8	2,149.6	2,199.3	2.3%	2,962.4	1.7%
Total Signatory Revenue	2,347.9	2,452.8	2,482.5	1.2%	30,175.8	21,330.1	22,139.3	23,055.3	4.1%	31,091.8	3.0%
Enplaned Signatory Pax	149,942	152,647	151,905	-0.5%	1,824,395	1,307,234	1,330,208	1,365,382	2.6%	1,859,568	1.9%
Cost per Enplaned Pax	\$15.66	\$16.07	\$16.34	1.7%	\$16.54	\$16.32	\$16.64	\$16.89	1.5%	\$16.72	1.1%
Revenues from Sources other than Signatory Airlines Rents & Fees											
Concession Revenues											
Gen Mdse (DFS)	1,268.1	1,267.8	1,266.4	-0.1%	15,214.0	11,413.6	11,410.5	11,412.6	0.0%	15,216.1	0.0%
In-flight Catering	71.8	83.1	69.8	-16.0%	1,031.3	662.2	762.0	654.6	-14.1%	923.9	-10.4%
Food & Beverage	93.5	97.3	90.5	-7.0%	1,190.8	793.5	872.6	805.0	-7.8%	1,123.1	-5.7%
Rental Cars	104.1	109.2	117.4	7.6%	1,343.2	929.0	985.7	1,096.8	11.3%	1,454.3	8.3%
Other Concession Rev	61.6	69.5	52.0	-25.2%	833.5	560.2	625.1	577.2	-7.7%	785.6	-5.7%
Total Concession Revenues	1,599.1	1,626.9	1,596.1	-1.9%	19,612.7	14,358.5	14,655.9	14,546.2	-0.7%	19,503.0	-0.6%
Passenger Facility Charges	605.9	599.1	506.8	-15.4%	7,160.1	5,161.3	5,220.6	5,415.0	3.7%	7,354.5	2.7%
Other Revenue	1,437.8	1,267.8	1,569.9	23.8%	15,801.1	12,695.6	11,822.3	15,122.3	27.9%	19,101.0	20.9%
Total Operating Revenue	5,990.7	5,946.5	6,155.4	3.5%	72,749.7	53,545.5	53,838.2	58,138.8	8.0%	77,050.3	5.9%
II. Operating Expenses:											
Personnel Services	1,699.7	1,528.6	1,447.5	-5.3%	19,872.1	15,069.0	15,286.3	14,874.5	-2.7%	19,460.3	-2.1%
Contractual Services	1,733.3	1,914.7	1,739.3	-9.2%	22,315.0	14,006.9	17,276.2	16,936.6	-2.0%	21,975.4	-1.5%
Materials & Supplies	130.0	168.9	80.1	-52.6%	2,121.0	890.6	1,754.1	745.7	-57.5%	1,112.5	-47.5%
Equipment/Furnishings	0.0	0.0	0.0	0.0%	121.0	0.0	116.0	44.7	-61.5%	49.7	-58.9%
Total Operating Expenses	3,563.0	3,612.2	3,266.9	-9.6%	44,429.0	29,966.5	34,432.5	32,601.4	-5.3%	42,597.9	-4.1%
Net income from Operations	2,427.7	2,334.3	2,888.4	23.7%	28,320.7	23,579.0	19,405.7	25,537.4	31.6%	34,452.4	21.7%

GUAM INTERNATIONAL AIRPORT AUTHORITY
KEY OPERATING RESULTS (\$000's)
as of June 30, 2017

	CURRENT MONTH				Budget Full Year	YEAR - TO - DATE				FULL YEAR FORECAST	
	Actual FY2016	Budget FY2017	Actual FY2017	%Var Bud Vs Act'l		Actual FY2016	Budget FY2017	Actual FY2017	%Var Bud Vs Act'l	Actual/Est	%Var Bud Vs Act'l
III. Other Revenues and Expenses											
Less: Non Operating Expense(Ret/DOI/OHS)	40.6	0.0	42.8	0.0%	675.0	536.5	675.0	573.1	-15.1%	573.1	-15.1%
Add: Interest on Investments	54.2	44.0	0.0	-100.0%	528.0	530.1	396.0	480.2	21.2%	612.2	15.9%
Net Revenues	2,441.3	2,378.3	2,845.7	19.7%	28,173.7	23,572.7	19,126.7	25,444.4	33.0%	34,491.4	22.4%
Add: Other Sources of Funds	0.0	33.3	0.0	-100.0%	400.0	229.1	300.0	130.3	-56.6%	230.3	-42.4%
Add: Other Available Moneys	530.0	529.9	529.9	0.0%	6,359.4	4,770.4	4,769.5	4,769.5	0.0%	6,359.4	0.0%
Net Revenues and Other Available Moneys	2,971.4	2,941.6	3,375.6	14.8%	34,933.1	28,572.2	24,196.2	30,344.2	25.4%	41,081.1	17.6%
Debt Service payments	2,120.2	2,119.8	2,119.8	0.0%	25,437.5	19,081.5	19,078.1	19,078.1	0.0%	25,437.5	0.0%
Debt Service Coverage	1.40	1.39	1.59	14.8%	1.37	1.50	1.27	1.59	25.4%	1.61	17.6%
Debt Service Requirement	1.25	1.25	1.25		1.25	1.25	1.25	1.25		1.25	

SUMMARY SIGNATORY AIRLINES

Enplanements	October	November	December	January	February	March	April	May	June	July	August	September	Total
Projection per Budget FY 2017	140,693	144,435	146,900	161,597	143,707	151,493	137,839	150,897	152,647	165,823	175,216	153,147	1,824,395
FY 2010 Actual Enplanements	94,630	105,230	108,410	132,016	129,523	137,257	102,312	112,910	111,671	133,353	147,419	132,165	1,446,896
FY 2011 Actual Enplanements	112,043	117,861	115,206	137,595	131,263	128,645	90,184	99,827	100,434	119,730	140,999	123,086	1,416,873
FY 2012 Actual Enplanements	110,962	118,092	121,031	143,545	137,851	149,600	113,893	107,914	122,061	141,014	165,376	135,017	1,566,356
FY 2013 Actual Enplanements	131,910	135,518	138,186	150,971	148,524	164,380	124,701	120,751	132,315	142,773	165,026	138,907	1,693,962
FY 2014 Actual Enplanements	124,805	134,044	141,808	151,270	141,056	157,421	128,621	123,763	136,513	138,462	165,026	130,732	1,673,521
FY 2015 Actual Enplanements	123,934	133,207	141,209	154,559	149,186	163,468	126,645	125,235	131,500	136,967	159,054	138,298	1,683,262
FY 2016 Actual Enplanements	129,352	141,778	150,587	159,545	153,030	155,032	126,400	141,568	149,942	147,032	166,085	143,840	1,764,191
FY 2017 Actual Enplanements/Projection	143,619	148,002	160,544	162,303	143,720	157,735	146,779	150,775	151,905	165,823	175,216	153,147	1,859,568
FY 2017 versus FY 2016 Monthly%	11.03%	4.39%	6.61%	1.73%	-6.08%	1.74%	16.12%	6.50%	1.31%	12.78%	5.50%	6.47%	5.41%
FY 2017 versus FY 2016 Monthly	14,267	6,224	9,957	2,758	-9,310	2,703	20,379	9,207	1,963	18,791	9,131	9,307	95,377
FY 2017 versus FY 2016 Cumulative	14,267	20,491	30,448	33,206	23,896	26,599	46,978	56,185	58,148	76,939	86,071	95,377	95,377
	11.03%	14.45%	20.22%	20.81%	15.62%	17.16%	37.17%	39.69%	38.78%	52.33%	51.82%	66.31%	5.41%



Enplanements	October	November	December	January	February	March	April	May	June	July	August	September	Total
Actual Enplanements FY 2017	143,619	148,002	160,544	162,303	143,720	157,735	146,779	150,775	151,905	165,823	175,216	153,147	1,859,568
Projection per Budget FY 2017	140,693	144,435	146,900	161,597	143,707	151,493	137,839	150,897	152,647	165,823	175,216	153,147	1,824,395
Actual Enplanements Over/(Under) Projection	2,926	3,567	13,644	706	13	6,242	8,940	(122)	(742)	0	0	0	35,174
Cumulative Total	2,926	6,493	20,137	20,843	20,856	27,099	36,038	35,916	35,174	0	0	0	1.9%

Percentage Over/(Under) Forecast	October	November	December	January	February	March	April	May	June	July	August	September	
% Monthly versus Projection	2.1%	2.5%	9.3%	0.4%	0.0%	4.1%	6.5%	-0.1%	-0.5%	0.0%	0.0%	0.0%	
% Cumulative Total	2.1%	2.3%	4.7%	3.5%	2.8%	3.0%	3.5%	3.1%	2.6%	0.0%	0.0%	0.0%	

Month to Month Trend	October	November	December	January	February	March	April	May	June	July	August	September	
Actual Enplanements	143,619	148,002	160,544	162,303	143,720	157,735	146,779	150,775	151,905	165,823	175,216	153,147	
Month to Month Increase/(Decrease)		4,383	12,542	1,759	-18,583	14,015	-10,956	3,996	1,130	13,918	9,393	-22,069	
Month to Month Increase/(Decrease) in %		3.1%	8.5%	1.1%	-11.4%	9.8%	-6.9%	2.7%	0.7%	9.2%	5.7%	-12.6%	

CPE	October	November	December	January	February	March	April	May	June	July	August	September	Total
Forecast Per FY2017 Budget	\$ 16.80	\$ 16.67	\$ 16.90	\$ 16.43	\$ 16.91	\$ 16.81	\$ 16.88	\$ 16.39	\$ 16.07	\$ 16.14	\$ 16.11	\$ 16.58	\$ 16.54
Actual CPE	\$ 17.00	\$ 16.79	\$ 17.20	\$ 16.79	\$ 16.89	\$ 16.85	\$ 17.26	\$ 16.85	#DIV/0!	\$ -	\$ -	\$ -	\$ -
Variance	\$ (0.20)	\$ (0.12)	\$ (0.30)	\$ (0.36)	\$ 0.02	\$ (0.05)	\$ (0.38)	\$ (0.46)	#DIV/0!	\$ 16.14	\$ 16.11	\$ 16.58	\$ 16.54

ORDER OF ADJOURNMENT

By Resolution of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA"), the July 27, 2017 Regular Meeting of the Board of Directors of GIAA is hereby adjourned until Tuesday, August 1, 2017 at 2:00 p.m., to reconvene at the GIAA Conference Room 355 Chalan Pasaheru, Tamuning, Guam, 96913.

Dated this 27th day of July, 2017.



Ricardo C. Duenas
Chairman of the Board