MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE
A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
Monday, June 15, 2020, 4:00 p.m.
GIAA TERMINAL CONFERENCE ROOM #3

1. CALL TO ORDER AND ATTENDANCE

The June 15, 2020 special 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 Bamba at 4:04 p.m. at the GIAA Terminal Conference Room #3, 355 Chalan Pasaheru, Tamuning, Guam, 96913.

Directors Present:
Brian J. Bamba (Via VTC)
Gurvinder Sobti (Via VTC)
Donald L. Weakley
Lucy M. Alcorn (Via VTC)
Zenon E. Belanger
Doyon A. Morato (Via VTC)
Rosie R. Tainatongo

Offices or positions:
Chairman
Vice Chairman
Board Secretary

Directors Absent:
None

GIAA Officials:
Thomas C. Ada
John M. Quinata
Jean M. Arriola
Edward Muna
Raymond Mantanona
Victor Cruz
Antoinette Bautista
Joseph Javellana
Henry Cruz

Phillip Torres, Esq.
Frank R. Santos

Executive Manager
Deputy Executive Manager
Airport Services Manager
Air Terminal Manager, Acting
Chief, ARFF
Engineering Supervisor
Accounting Supervisor
Program Coordinator IV
Supply Management Administrator
GIAA Conflicts Counsel
GIAA Consultant

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

Chairman Bamba announced that he would like to recuse himself from the remainder of the meeting due to a previously declared conflict of interest with the firm to be discussed, and
asked that Vice Chairman Sobti preside over the meeting. The Chairman excused himself from the meeting.

Vice Chairman Sobti announced that he would also like to recuse himself from the remainder of the meeting due to a conflict of interest with the firm to be discussed and asked that Board Secretary, Donald Weakley preside over the meeting. The Vice Chairman excused himself from the meeting.

Acting Chairman, Donald Weakley now presides over the meeting.

2. APPROVAL OF AGENDA

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

3. OLD BUSINESS

A. Approval of Award for Legal Services - RFP No. RFP-003-FY20

At this time Executive Manager Ada recommended that in order for the Board to have a better understanding of the referenced matter, the Board should table the Approval of Award for Legal Services - RFP No. RFP-003-FY20, recess the Special Board meeting, and reconvene on Thursday, June 18, 2020 at 4:00 p.m. The Executive Manager added that Management will make themselves available should the Board have any questions on the matter. The Board had no objections.

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

Resolution No. 20-47

The June 15, 2020 Special Meeting of the Board of Directors of A.B. Won Pat International Airport Authority, Guam is hereby adjourned until Thursday, June 18, 2020 at 4:00 p.m., to reconvene at the GIAA conference room, 355 Chalan Paseaheru, Tamuning, Guam 96913.

The meeting recessed at 4:24 p.m.

Dated this 29th day of June, 2020.

Brian J. Bamba  Donald I. Weakley
Chairman  Board Secretary

Attest:
Prepared and Submitted By:

Amanda O'Brien-Rios
Corresponding Secretary
BOARD OF DIRECTORS SPECIAL MEETING
4:00 p.m., Monday, June 15, 2020
GIAA TERMINAL CONFERENCE ROOM #3

Public Notice
First Notice:
The Daily Post – June 8, 2020
Notice to Media – June 8, 2020

Second Notice:
The Daily Post – June 11, 2020
Notice to Media – June 11, 2020

AGENDA

1. Call to Order and Attendance
2. Approval of Agenda
3. Old Business
   A. Approval of Award for Legal Services - RFP No. RFP-003-FY20
4. Adjournment
# A.B. Won Pat International Airport Authority, Guam

**Board of Directors Special Meeting**

4:00 p.m., Monday, June 15, 2020

GIAA Terminal Conference Room #3

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<tr>
<th>PRINT NAME</th>
<th>SIGN-IN SHEET</th>
<th>COMPANY/AGENCY</th>
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<tr>
<td>Phillip Torres</td>
<td>Phil Torres</td>
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<td>Henry Cruz</td>
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<td>GIAA</td>
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<td>Jean Annoua</td>
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<td>Antoniette Bautista</td>
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<td>S.J. Varela</td>
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<td>Victor J. Cruz</td>
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<td>Raymond Montenegro</td>
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<td>ARFT</td>
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<tr>
<td>Kevin Kerrigan (Via telephone)</td>
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<td>Pacific News Center</td>
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Pandemic aid assists reopenings at mall

By Lannie Walker
lannie@postguam.com

Tenants at local shopping centers are struggling as the island makes a shaky attempt at reopening stores and restaurants under the COVID-19 pandemic.

At the Micronesia Mall, Phil Schrage, senior vice president of group operations and leasing at Goodwind Development Corp., the mall’s parent company, said 120 tenants have received benefits under the mall’s COVID-19 Assistance Program.

Tenants that were not in default were not charged rent during the time the mall was closed by government order from March 20 through May 10. Rent discounts were extended to tenants not in default for the months of May, June and July.

“I can say that we are glad to have been able to extend meaningful assistance to our tenants during these challenging times,” Schrage told The Guam Daily Post on Friday.

Of the 120 mall tenants who have received the assistance, all but three have reopened, according to Schrage.

“Even though the mall has reopened, the discounted rent and fees will continue to help our valued stores and restaurants,” said Schrage.

Fewer hours, less pay, more anxiety greet returning workers

By Tony Romm and Jacob Bagage
The Washington Post

The local library near McHenry, Ill., is slashing Helaine Oleksy’s hours.

At a country club near Latrobe, Pennsylvania, Claudia Martin is worried whether she’ll earn enough in tips to make ends meet.

And at a luxury hotel in Miami, Ircacema Arrieta is cleaning more rooms than usual — without much of a boost to her pay.

As millions of Americans return to work amid the worst economic crisis in a generation, they’re unexpectedly discovering their old positions are far more burdensome than they used to be.

Their hours have been cut, their pay has been slashed and their responsibilities are now magnitudes greater.

And their job security — despite President Donald Trump’s recent proclamations about an economy on the mend — remains anything but guaranteed.

New economic data released Friday has fueled the White House’s fresh optimism, as the official U.S. jobless rate unexpectedly declined, with the official rate at 13.3% in May from 14.7% in April. Over the same period, the country also added more than 2.5 million jobs, the Labor Department said, shocking experts who had expected a worsening in the market as a result of the deadly coronavirus pandemic.

But economists contend the federal indicators mask a far grimmer reality at a time when millions of Americans still face the prospect of prolonged unemployment. For those who did maintain their old jobs, newly unfavorable conditions have left many workers trading one set of anxieties for another, now fearful for their financial and physical safety.

“People are coming back to work in jobs that are very different than they were three months ago,” said Robert Scott, a senior economist at the left-leaning Economic Policy Institute.

“They’re very risky and there’s a lot of uncertainty about what’s to come. There’s a rocky road ahead, and a lot of uncertainty on the economy left to be done.”

While roughly 30 million Americans are receiving unemployment benefits, some are retaking their old jobs as their states start to reopen. Their return to the workplace coincides with improving employment figures in hard-hit sectors such as retail and hospitality, said Nick Bunker, the economic research director for the job-listing site Indeed, who described the numbers as a sign of a “partial bounce back.”

The data offers early, encouraging news, suggesting federal programs had helped in preventing even more widespread, lasting unemployment, experts said.

At the same time, though, Bunker said there was a higher-than-expected spike in part-time employment, one of a few indicators that “suggests there has not been a full return to work” for some people. Indeed also found that the highest rate of job growth has occurred within the lowest-wage industries, including some food and beverage stores, raising questions about the extent to which some Americans may be falling behind financially.

Still, top Trump administration officials heartily celebrated Friday’s job numbers. “Millions of Americans are still out of work, and the department remains focused on bringing Americans safely back to work and helping states deliver unemployment benefits to those who need them,” Labor Secretary Eugene Scalia said in a statement Friday. “However, it appears the worst of the coronavirus’ impact on the nation’s job markets is behind us.”

‘It’s not working for many’

For workers in some of those jobs, their headaches actually are just beginning.

When the weather turns warm, and the golfers hit the courses in Pennsylvania, Claudia Martin typically gets back to work at her local country club in the southwestern corner of the state. The 66-year-old Latrobe resident puts in roughly 30 hours a week each season, bartending and helping out with administrative office tasks, supplementing her monthly Social Security check.

But the coronavirus greatly threatened the club’s operations, and Martin’s hours have been halved since she returned to work just this week. “It’s significantly less,” she said of her resulting pay, threatening her ability to save for the offseason when the club is closed and she is out of work.

“The money I earned in tips, I would put away to help me get through the winter,” Martin said, later adding: “The economy is working for some people. But it’s not working for many lower-wage workers.”
Senators to vote on giving family violence victims a way out of rent agreements

By John O’Connor
john@postguam.com

Sen. Mary Torres is calling on her colleagues to support the Guam Safe Housing Act of 2020 following criticism that the legislation interferes with contracts between landlords and tenants.

In addition to calling for support, the senator characterized certain concerns expressed about the measure as an “anti-victim rhetoric.”

Bill 214-35, or the Safe Housing Act, creates several safeguards for renters or tenants who become victims of domestic abuse. In part, the measure would allow victims to terminate lease agreements early without suffering legal or financial consequences. Other protections include nondisclosure requirements, lock-changing requirements, and protections against eviction and liability. As some lawmakers noted during the debate last week, the legislation is necessary to expand protections to victims of domestic violence on island.

Leonard P. Campos, director of operations for RE/MAX Diamond Realty, argues in his written testimony that the bill would mandate lease conditions that are not mutually acceptable and infringe on parties’ rights to enter into contracts free of government interference.

“I believe this is a violation of the Contract Clause within the U.S. Constitution,” Campos said.

But as Torres stated, 30 states and the District of Columbia have already enacted early termination laws. “I’m merely proposing to add Guam to that list. In the meantime, landlords remain free to hold abusers accountable for damages on their property,” Torres stated.

Campos was speaking on behalf of his clients – property owners. As director of operations at RE/MAX Diamond Realty, Campos said he is responsible for overseeing more than 500 property management accounts.

Most property owners depend on the rental income to pay mortgages and property expenses, according to Campos. While Bill 214 does require payment within 90 days of vacating a rental in case of early lease termination, Campos argues that many owners cannot wait 90 days to receive their rent and don’t have the resources to cover damages made by tenants.

“However, companies with a broad portfolio of rental units will chalk this up as additional expenses and adjust their rental rates to account for the extra cost. The bill, if passed, ultimately leads to increased rental rates and further hardship for already struggling property owners,” Campos stated.

Torres said the 90-day period was determined after reviewing a summary of state and local laws providing housing rights to victims of violence. The public was invited to comment on this provision since October 2019, she added.

“No bill is perfect, but after multiple public notices, a public hearing, and full deliberation on the floor, I can’t help that some are just discovering this bill now,” Torres said. “In the meantime, let’s not lose focus of this measure’s intent - to protect our victims of violence.”

Campos also raises due process concerns in relation to the bill’s requirements. According to Campos, Bill 214 removes due process for the accused by allowing the alleged victim to place financial lease burdens on the accused, while only requiring a police report or statements from a medical or mental health professional to trigger the conditions of the bill. The substitute version of the bill also specifies a restraining order as one of the documents tenants can provide landlords as evidence of abuse.

$132K in attorney fees awarded in plebiscite challenge

Attorneys for Arnold “Dave” Davis were awarded $132,480 in attorney fees and another $11,554 in non-taxable costs for the government of Guam’s petition to the U.S. Supreme Court over Guam’s plebiscite law.

District Court Chief Judge Frances Tydingco-Gatewood approved the proposed payments as the government of Guam filed no opposition to the fees.

The U.S. Supreme Court, in May, denied the government of Guam’s writ request after an appeal to the 9th Circuit Court decision that overturned the island’s plebiscite law and found it to be a race-based voting restriction.

Guam law permits only those who meet the definition of “native inhabitants of Guam” to vote in the plebiscite. It was this definition that Davis and the Center for Individual Rights alleged excluded Davis and other individuals who live on Guam and are otherwise registered to vote in Guam elections.

Davis’ lawyers have asked to recover fees and costs associated with the Supreme Court matter.

The government of Guam was supposed to file an opposition by June 1 to the motion for attorneys’ fees but it did not respond.

(Daily Post Staff)
EXECUTIVE SUMMARY

REQUEST FOR PROPOSALS NO. RFP-003-FY20
LEGAL SERVICES (RE-SOLICITATION)

June 15, 2020

Purpose

Board action is requested to approve the award for Request for Proposals No. RFP-003-FY20 for Legal Services (Re-Solicitation) (“RFP”) to the second highest ranked Offeror.

Background

The referenced RFP solicits proposals from professional firms and/or individuals to provide professional expertise in all legal activities and representations such as, but not limited to, litigations, provide professional opinions, legal interpretations, research, for and on behalf of GIAA Management and its Board of Directors.

At the June 2, 2020 regularly scheduled Board of Directors meeting, the Board approved the ranking results and award to Offeror A, the highest ranked offeror.

Pursuant to Section 8: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, “GIAA reserves the right to award the Legal Services Agreement to one (1) or more firm(s) and/or individual(s) based on the Offerors’ qualification ranking, subject to negotiations and mutual agreement of reasonable rates.”

Proposal Analysis and Evaluation

The Evaluation Committee appointed by me, completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The score sheets were gathered and tabulated by the Procurement Office and the evaluation results in the order of ranking are as follows:

1. Offeror A
2. Offeror B

Legal Review

Upon Board approval, a contract will be forwarded to Legal Counsel for review and approval as to form. The term of the contract is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding.
Financial Review

The Legal Services contract will be funded under the Administration Division’s O&M Budget.

Recommendation

All offerors have been deemed to have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

On June 9, 2020, GIAA sent a letter notifying Offeror B that its proposal was determined to be responsive and responsible in accordance to the requirements as set forth in the RFP and subsequently requesting a fee proposal.

On June 11, 2020, GIAA received requested fee proposal from Offeror B. On June 12, 2020, a negotiations meeting was held with Offeror B and the GIAA Negotiations Committee via telephone conference where it was determined that the fees presented by the offeror were consistent with the scope of work presented in the RFP and that they were fair and reasonable.

Therefore, I recommend the Board approve the contract award to Offeror B for the Legal Services contract, subject to approval of the contract by the Office of the Attorney General of Guam.
June 12, 2020

MEMORANDUM

TO: THOMAS C. ADA
    EXECUTIVE MANAGER

FROM: SUPPLY MANAGEMENT ADMINISTRATOR

SUBJECT: EVALUATION AND RECOMMENDATION - REQUEST FOR PROPOSAL (RFP)
         (SUPPLEMENTAL)
         LEGAL SERVICES (RE-SOLICITATION), RFP No. RFP-003-FY20

This memorandum is to supplement to the Evaluation and Recommendation memorandum dated May 29, 2020. On the June 2, 2020 regularly scheduled Board of Directors meeting, the GIAA Board of Directors approved the ranking results and the contract award to Offeror A, the highest ranked proposer. Pursuant to Section 8: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, “GIAA reserves the right to award the Legal Services Agreement to one (1) or more firm(s) and/or individual(s) based on the Offerors’ qualification ranking, subject to negotiations and mutual agreement of reasonable rates.”

Proposal Review for Responsiveness

The two (2) proposals were reviewed to determine responsiveness, that is, whether or not the offerors submitted all the documents required by the RFP. Both offerors’ proposals were deemed responsive.

Evaluation and Selection

Attached for your reference is the summary of the evaluation committee’s scores based on the evaluation criteria set forth in the RFP.

The committee completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The scores were tabulated as reflected on the attached summary worksheet. As a result of our tabulation, the firms ranked in the order as follows:

1. Offeror A
2. Offeror B

Recommendation

As a result of our review of the submitted required documents, all offerors have been deemed to have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.
Therefore, management may approve the contract award to the second highest ranked offeror, Offeror B for Legal Services, subject to negotiation of fair and reasonable fees and approval by the GIAA Board of Directors. The term of the contract to be awarded is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years and subject to the availability of funding and approval by the Office of the Attorney General of Guam.

Should you have any questions, I am available at your request.

APPROVED:

HENRY M. CRUZ

THOMAS C. ADA
EXECUTIVE MANAGER

Attachments

cc: Evaluation Committee / Procurement File
# Antonio B. Won Pat International Airport Authority, Guam

## Evaluation Score Tally Sheet

RFP No. RFP-003-FY20

LEGAL SERVICES (RE-SOLICITATION)

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<th>OFFEROR DESIGNATION</th>
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<td>OFFEROR B</td>
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**Evaluators:**

No. 1: John M. Quinata, Deputy Executive Manager
No. 2: Victor J. Cruz, Engineering Supervisor
No. 3: Ken McDonald, Properties & Facilities Superintendent
ORDER OF ADJOURNMENT

By Resolution of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA"), the June 15, 2020 Special Meeting of the Board of Directors of GIAA is hereby adjourned until Thursday, June 18, 2020 at 4:00 p.m., to reconvene at the GIAA Conference Room 355 Chalan Paseardu, Tamuning, Guam, 96913.

Dated this 15th day of June, 2020.

Donald I. Weakley
Chairman of the Board, Acting