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8  
9 *Attorney for the Guam Power Authority*

10 **BEFORE THE PUBLIC UTILITIES COMMISSION**

11  
12  
13 IN THE MATTER OF ) DOCKET NO.94-04  
14 )  
15 The Extension of the Performance ) GPA's NOTICE OF INTENT  
16 Management Contract (PMC) for ) TO EXTEND EXISTING PMC  
17 Cabras Units 1 & 2 ) CONTRACT FOR CABRAS 1 & 2  
18 )  
19 )

20 **COMES NOW**, GUAM POWER AUTHORITY and hereby files CCU Resolution 2009-  
21 22, a copy of which is attached hereto as Exhibit "A". GPA intends to extend the PMC Contract  
22 with Taiwan Electrical & Mechanical Engineering Services (TEMES) for an additional six-  
23 month period ending December 31, 2009. The new procurement has a bid closing date of June  
24 11, 2009, with evaluation and award expected to be completed by September 2009. GPA  
25 believes that it is prudent for TEMES to continue with the plant management of Cabras 1 & 2.

26 **RESPECTFULLY SUBMITTED** this 29<sup>th</sup> day of May, 2009, by:

27

28 \_\_\_\_\_  
29 D. GRAHAM BOTHA, ESQ.  
30 Guam Power Authority Legal Counsel

COPY



**CONSOLIDATED  
COMMISSION ON UTILITIES**

Guam Power Authority • Guam Waterworks Authority  
P.O. BOX 2977 • Agana, Guam 96932

**RESOLUTION NO. 2009 - 22**

**RESOLUTION RELATIVE TO THE FOURTH EXTENSION OF THE  
PERFORMANCE MANAGEMENT CONTRACT (PMC) FOR CABRAS UNITS 1&2  
POWER PLANT**

**WHEREAS**, the PMC contract to Taiwan Electrical & Mechanical Engineering Services (TEMES) that expired on December 31, 2007 was extended by mutual agreement under the provisions of the original contract for a six-month period ending June 30, 2008, the same contract was further extended a second six-month ending December 31, 2008 and a third contract extension granted until June 30, 2009; and

**WHEREAS**, the Authority cancelled the Intent to Award notice (Multi-step Bid GPA 13-07) to TEMES for a new performance management contract for Cabras 1&2 power plant based on the findings and recommendations issued on September 30, 2008 by the Office of the Internal Auditor (Appeal OPA-PA-08-04) after its review of a procurement protest lodged by one of the bidders; and

**WHEREAS**, the Authority revised the procurement package for a performance management contract for Cabras 1&2 to eliminate possible areas of objection which procurement has a bid closing date of June 11, 2009, with an estimated evaluation and award completion in late September 2009, and a thirty day transition period should a new performance manager assume the contract; and

**WHEREAS**, the GPA Management believes that in recognition of TEMES' familiarity with the scope of work and the established relationships with the services and material contractors, it would be prudent for GPA to allow TEMES to continue with the plant management of Cabras 1 & 2 power plants on a month to month basis for another six-month period ending ending December 31, 2009;

NOW, THEREFORE, **BE IT RESOLVED**, by the CONSOLIDATED COMMISSION ON UTILITIES, the GOVERNING BODY of the GUAM POWER AUTHORITY as FOLLOWS:

EXHIBIT A

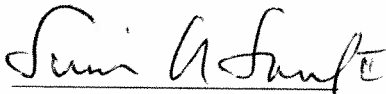
1  
2 The Consolidated Commission on Utilities hereby directs the GPA General Manager to  
3 negotiate an extension of the Performance Management Contract (PMC) for Cabras 1&2  
4 power plant with the Taiwan Electrical & Mechanical Engineering Services to provide  
5 management and operations for both plants on a month to month basis not to exceed six  
6 months from July 1, 2009 through December 31, 2009.

7  
8 RESOLVED, THAT THE CHAIRMAN OF THE COMMISSION CERTIFIES AND  
9 THE SECRETARY OF THE COMMISSION ATTESTS THE ADOPTION OF THIS  
10 RESOLUTION.

11  
12 DULY AND REGULARLY ADOPTED THIS 26<sup>th</sup> DAY OF May 2009.

13  
14  
15 Certified by:

Attested by:

16  
17   
18  
19 SIMON A. SANCHEZ  
20 CHAIRMAN

21  
22   
23  
24 GLORIA B. NELSON  
25 SECRETARY

26  
27  
28 **SECRETARY'S CERTIFICATION**

29 I, GLORIA B. NELSON, Secretary, Consolidated Commission on Utilities, hereby certifies as  
30 follows;

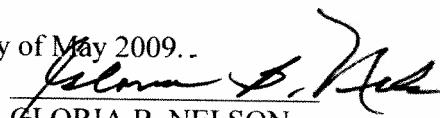
31  
32 The foregoing is a full, true, and correct copy of a resolution duly adopted at a regular meeting  
33 of the members of the Consolidated Commission on Utilities of the Guam Power Authority duly  
34 and legally held at the meeting place thereof on May 26, 2009, at which meeting all of the said  
35 members had due notice and at which at least a majority thereof were present.

36  
37 At said meeting, said resolution was adopted by the following vote:

38  
39 Ayes                    5  
40  
41 Nays                    0  
42  
43 Abstain                0  
44  
45 Absent                 0

46  
47 Said original resolution has not been amended, modified, or rescinded since the date of its  
48 adoption, and the same is now in full force and in effect.

49  
50 SO CERTIFIED this 26<sup>th</sup> day of May 2009.

  
GLORIA B. NELSON  
Secretary, Consolidated Commission on U

