



**OFFICE OF THE ATTORNEY
GENERAL OF GUAM
SOLICITATION FOR PROPOSALS
PUBLIC LAW 35-25: LEGAL SERVICES
FOR LITIGATION RELATED TO
PFAS CONTAMINATION**

Office of the Attorney General

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ITC Building, Suite 901, 9th Floor
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GENERAL INFORMATION

The Office of the Attorney General (OAG) is soliciting proposals for legal consultation and/or representation on a contingency fee basis for litigation related to damage caused by the use of per- and polyfluoroalkyl substances (PFAS) and related products.

This solicitation, any proposals submitted in response to it, and any contract executed pursuant to it are NOT subject to Guam Procurement Law.

Public Law 35-25, the Prutehi I Hanom Act of 2019 (“the Act”), authorizes OAG to acquire legal services to pursue remedies for damage to Guam’s water and/or wastewater due to PFAS contamination. A contract pursuant to this solicitation is subject to the Act, and shall provide that a suit for damages will seek both monetary and non-monetary relief for Guam. Additionally, the Act requires that contingency fees shall not exceed thirty percent (30%) of any final monetary award, and that contingency fees for non-monetary relief shall be calculated based on a reasonable rate and reasonable hours.

It has been documented that products containing PFAS and related chemicals were used in Guam and contamination has been reported at various locations.

The Office of the Attorney General of the Commonwealth of the Northern Marianas Islands (CNMI) has also indicated an interest in soliciting legal services as described in this solicitation. In their proposals, a vendor may indicate whether its proposal would apply to a contract executed for services for the CNMI. Should a proposal be submitted in response to this solicitation result in a contract for services with the CNMI, such contract would be separate and apart from any contract executed for services for Guam, and neither Guam nor the CNMI would be obligated to accept the terms and conditions of the other’s contract.

REFERENCE TO VENDOR

A reference to “vendor” or “offeror” herein means an entity that is submitting a proposal in response to this solicitation.

COMMUNICATION REGARDING THIS SOLICITATION

Any correspondence by a vendor with OAG must be made in writing via email at PFASlitigation@guamag.org.

Any telephone or oral communication must be addressed to Attorney General Leevin Taitano Camacho or Deputy Attorney General Fred Nishihira.

No statement by OAG shall be considered binding unless it is in a writing signed by Attorney General Leevin Taitano Camacho or Deputy Attorney General Fred Nishihira.

FORMAT OF AND DEADLINE TO SUBMIT PROPOSALS

Proposals must be submitted in writing via email to PFASlitigation@guamag.org or by hand delivery to the Office of the Attorney General, Administration Division, located at 590 S. Marine Corps Drive, ITC Building, 9TH Floor, Suite 901, Tamuning, GU 96913.

Proposals should be marked in the subject line or on the outside of the proposal package with the following:

PROPOSAL – SOLICITATION FOR LEGAL SERVICES, PUBLIC LAW 35-25

PROPOSALS MUST BE RECEIVED BY 12:00PM CHAMORRO STANDARD TIME (CHST) THURSDAY, JULY 11, 2019.

PROPOSAL FORM

Each Proposal Package must contain all the forms required herein, complete with original signatures and notarizations where necessary, as well as the following:

1. A cover letter on the vendor's letterhead, signed by an individual who is authorized to bind the vendor to all statements in the proposal. The cover letter should contain at a minimum:
 - a. Vendor's identity.
 - b. Designation and name, title, and contact information of the vendor's representative for matters related to this solicitation.
 - c. An acknowledgment that the vendor has read the solicitation and accepts its terms, conditions, and instructions.
 - d. A statement that the vendor's proposal is valid for a minimum of sixty (60) days from the submission deadline in the solicitation.
 - e. Signature of vendor's authorized representative.
2. Description of Organization, Qualifications, and Experience. Proposal should label proposal sections according to the list below:
 - a. A summary of vendor's organization and what services vendor will provide.
 - b. A statement regarding vendor's financial condition and confirming that vendor has adequate financial resources to perform the work described in the solicitation.

- c. A description of past or pending litigation or projects involving environmental contamination of groundwater or water by use of chemical products, particularly per- and polyfluoroalkyl substances (PFAS) and related products.
- d. A description of past or pending environmental litigation for which they represent a state or territory. Please include the amount of any monetary recovery in these cases.
- e. The name and contact information of the entities for which such work was performed.
- f. A description of past environmental litigation or projects involving multiple claimants or defendants, and or class action litigation.
- g. Vendor's staffing plan for the proposal. Staffing plan shall include job descriptions and staff qualifications for each key position included in the proposal.
- h. A statement indicating that vendor has conducted a review to determine if company or staff affiliations might result in a conflict of interest, and if there is a potential conflict, an explanation of how that may be resolved.

PUBLIC DISCLOSURE OF PROPOSALS

Proposals may be subject to public disclosure.

EVALUATION FACTORS FOR AWARD

OAG will review and rank each proposal based on the following factors:

<u>Evaluation Factors</u>	<u>Points</u>
Prior or existing representation of a state or territory in environmental litigation	25
Record of past performance of similar scope of work	75
Total Available Points	100

COST NEGOTIATIONS

OAG may engage in cost negotiations with any of the 3 vendors receiving the highest evaluation scores.

LICENSE TO CONDUCT BUSINESS IN GUAM

If a contract is executed pursuant to this Solicitation, vendors providing services or supplies are subject to licensure requirements in accordance with Guam law. Information about obtaining a license to do business in Guam may be obtained from the Guam Department of Revenue and Taxation.

FORMS REQUIRED FOR ALL SOLICITATIONS

Vendors must complete and submit the following forms with the proposal:

	<u>Form Title</u>
1.	SPECIAL PROVISION – RESTRICTION AGAINST SEX OFFENDERS
2.	AFFIDAVIT DISCLOSING OWNERSHIP and COMMISSIONS
3.	AFFIDAVIT re NON-COLLUSION
4.	AFFIDAVIT re GRATUITIES or KICKBACKS
5.	AFFIDAVIT re ETHICAL STANDARDS
6.	AFFIDAVIT re CONTINGENT FEES

RIGHT OF OAG TO CANCEL SOLICITATION

OAG reserves the right to cancel this solicitation at any time.

OAG reserves the right to reject any proposal in whole or in part.

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**Restriction against Sex Offenders Employed by service providers to Government of
Guam from working on Government Property**

If a contract for services is awarded to the bidder or offeror, then the service provider must warrant that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four (24) hours of the conviction, and will immediately remove such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four (24) hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service providers fail to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily and contract for services until corrective action has been taken.

Signature of Offeror

Date

Offeror, if an individual;

Partner, if a partnership;

Officer, if a corporation

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AFFIDAVIT DISCLOSING OWNERSHIP and COMMISSIONS

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 ventures 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]:

Name	Address	% of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____

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]:

Name	Address	Compensation
_____	_____	_____

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 _____, 201__.

NOTARY PUBLIC
My commission expires: _____

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AFFIDAVIT re NON-COLLUSION

_____ [state name of affiant signing below], being
first duly sworn, deposes and says that:

1. The name of the offering company or individual is [state name of company]
_____.

2. The proposal for the solicitation identified above is genuine and not collusive or a sham. The offeror has not colluded, conspired, connived or agreed, directly or indirectly, with any other offeror or person, to put in a sham proposal or to refrain from making an offer. The offeror has not in any manner, directly or indirectly, sought by an agreement or collusion, or communication or conference, with any person to fix the proposal price of offeror or of any other offeror, or to fix any overhead, profit or cost element of said proposal price, or of that of any other offeror, or to secure any advantage against the government of Guam or any other offeror, or to secure any advantage against the government of Guam or any person interested in the proposed contract. All statements in this affidavit and in the proposal are true to the best of the knowledge of the undersigned.

3. I make this statement on behalf of myself as a representative of the offeror, and on behalf of the offeror's officers, representatives, agents, subcontractors, and employees.

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 _____, 201__.

NOTARY PUBLIC

My commission expires _____.

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AFFIDAVIT re NO GRATUITIES or KICKBACKS

[state name of affiant signing below], being first duly sworn, deposes and says that:

1. The name of the offering firm or individual is [state name of offeror company] _____.
Affiant is _____ [state one of the following: the offeror, a partner of the offeror, an officer of the offeror] making the foregoing identified bid or proposal.

2. To the best of affiant's knowledge, neither affiant, nor any of the offeror's officers, representatives, agents, subcontractors, or employees have violated, are violating the prohibition against gratuities and kickbacks set forth in 2 GAR Division 4 § 11107(e). Further, affiant promises, on behalf of offeror, not to violate the prohibition against gratuities and kickbacks as set forth in 2 GAR Division 4 § 11107(e).

3. To the best of affiant's knowledge, neither affiant, nor any of the offeror's officers, representatives, agents, subcontractors, or employees have offered, given or agreed to give, any government of Guam employee or former government employee, any payment, gift, kickback, gratuity or offer of employment in connection with the offeror's proposal.

4. I make these statements on behalf of myself as a representative of the offeror, and on behalf of the offeror's officers, representatives, agents, subcontractors, and employees.

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 _____, 201__.

NOTARY PUBLIC
My commission expires _____, _____.

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AFFIDAVIT RE ETHICAL STANDARDS

_____ [state name of affiant signing below],
being first duly sworn, deposes and says that:

The affiant is _____ [state one of the following:
the offeror, a partner of the offeror, an officer of the offeror] making the foregoing
identified bid or proposal. To the best of affiant's knowledge, neither affiant nor any
officers, representatives, agents, subcontractors or employees of offeror have knowingly
influenced any government of Guam employee to breach any of the ethical standards
set forth in 5 GCA Chapter 5, Article 11. Further, affiant promises that neither he or
she, nor any officer, representative, agent, subcontractor, or employee of offeror will
knowingly influence any government of Guam employee to breach any ethical
standards set forth in 5 GCA Chapter 5, Article 11.

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 _____, 201__.

NOTARY PUBLIC
My commission expires _____, _____.

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AFFIDAVIT re CONTINGENT FEES

_____ [*state name of affiant signing below*],
being first duly sworn, deposes and says that:

1. The name of the offering company or individual is [*state name of company*]
_____.

2. As a part of the offering company's bid or proposal, to the best of my knowledge, the offering company has not retained any person or agency on a percentage, commission, or other contingent arrangement to secure this contract.

3. As a part of the offering company's bid or proposal, to the best of my knowledge, the offering company has not retained a person to solicit or secure a contract with the government of Guam upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

4. I make these statements on behalf of myself as a representative of the offeror, and on behalf of the offeror's officers, representatives, agents, subcontractors, and employees.

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 _____, 201__.

NOTARY PUBLIC

My commission expires _____, _____.