

APPENDIX B OTHER PROPOSAL FORMS

**PROPOSAL FORM B-1
PROPOSER INFORMATION FORM**

TO:

The undersigned, as Proposer, by his/her signature represents that he/she is authorized to bind the Proposer for the amount(s) shown on the accompanying cost and compensation forms and hereby certifies full compliance with the terms and conditions, specifications and special provisions of the Request for Proposals Number 001-17 and hereby declares that this proposal is made in good faith without fraud or collusion with any person or persons proposing on the same Agreement; that Proposer has carefully read and examined the entire document including all Appendices and understands all the same and that the Proposer or representative has made such personal investigation at the Ordot Closure Facility and its facilities operations, and conditions, as is necessary to determine the character and requirements attending the execution of the proposed services for operation of the Ordot Closure Facility and related assets as described in RFP Number 001-17. The Proposer warrants that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated, or convicted of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated regardless of the jurisdiction in which the conviction was obtained, shall provide services on behalf of the Proposer relative to this procurement. If a Proposer is awarded a contract, and any person employed by the Proposer providing services under the resulting contract is subsequently convicted, then the Proposer warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will immediately remove such convicted person from providing services under the resulting contract. If the Proposer is found to be in violation of any of the provisions of this paragraph, then the Government shall give notice to the Proposer to take corrective action. The Proposer shall take corrective action within twenty-four hours of notice from the Government, and the Proposer shall notify the Government when action has been taken. If the Proposer fails to take corrective steps within twenty-four hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any resulting contract.

The Proposer acknowledges that Proposer has not received or relied upon any representations or warranties of any nature whatsoever from the RECEIVER/TRUSTEE, the Government of Guam, its agents or employees, as to any conditions to be encountered in accomplishing the work specified in RFP001-17 and that this proposal is based solely upon the Proposer's own independent business judgment.

The Proposer recognizes that Proposer will not be entitled to any additional compensation by reason of conditions being different from those anticipated, or by reason of failing to be fully acquainted with the Ordot Closure Facility site, facilities, design, permits, construction, plans and specifications, and the conditions and the work now in place or on account of interference by the RECEIVER/TRUSTEE's activities or by any other activities which affect the proposed work.

The undersigned hereby proposes and agrees that if this proposal is accepted for award of an Agreement, Proposer will contract with the RECEIVER/TRUSTEE to furnish all necessary labor, materials, equipment, machinery, tools, apparatus, supplies and other means for

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performing, and do all the work required to perform, the services herein specified in complete conformity with RFP Number 001-17 and the Operation Agreement to Operate the Ordot Closure Facility for the unit prices and for the calendar periods listed in this Proposal.

The undersigned also agrees that if the foregoing proposal shall be selected by the RECEIVER/TRUSTEE, Proposer will meet with the RECEIVER/TRUSTEE within such time as the RECEIVER/TRUSTEE shall designate, to negotiate the final points of the Operation Agreement to Operate the Ordot Closure Facility, and within thirty (30) Days (Sundays and legal holidays excepted) after receiving notice of such selection, use best efforts to complete negotiation on outstanding issues, if any, so as to enter into the form of Agreement attached to RFP001-17, for performing the services proposed herein, at the prices and for the time stated in this proposal and that Proposer will furnish the RECEIVER/TRUSTEE satisfactory financial security and certificates of insurance for coverage as stated in RFP001-17.

The undersigned agrees, and attaches hereto, Proposal Security in the amount of \$10,000 (Certified Check, Irrevocable, Direct Pay Letter of Credit, or Proposal Bond), to be forfeited to the Solid Waste Management Division in case of failure on the part of the successful Proposer to enter into the attached form of Agreement to do the work covered by such proposal at the pricing and within the time as stated after having been selected for negotiations, and/or in the case of failure to negotiate in good faith with the RECEIVER/TRUSTEE after being selected for negotiations. The undersigned agrees that in case of failure to fulfill the obligations under the foregoing proposal and/or failure to furnish financial security as specified, the RECEIVER/TRUSTEE may, at RECEIVER/TRUSTEE's option, determine that the undersigned has abandoned the rights and interests in such Agreement and that the Proposal Security has been forfeited to the Solid Waste Management Division, but otherwise, the Proposal Security shall be returned to the undersigned upon the execution of the Operation Agreement and the acceptance of the financial security.

The undersigned agrees that if awarded the Operation Agreement, Proposer will start work May 30, 2011, or on such other date as the RECEIVER/TRUSTEE and Proposer shall agree.

In submitting this proposal, it is understood that the right is reserved by the RECEIVER/TRUSTEE to reject any or all proposals, to award the Operation Agreement for the work proposed by the Proposer to other than the low-price Proposer, to waive irregularities and/or formalities, and in general, to make award in any manner deemed by it, in its sole discretion, to be in the best interest of the Solid Waste Management Division.

The undersigned acknowledges receipt of addenda to RFP001-17 and has indicated the date such addenda were received below.

RFP Addenda Acknowledgement:

- No. 1 Date Received _____
- No. 2 Date Received _____
- No. 3 Date Received _____
- No. 4 Date Received _____
- No. 5 Date Received _____

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PROPOSER INFORMATION FORM
(Continued)

A. General Information

Proposer Name: _____

Address: _____

Telephone: _____ Fax: _____

Contact: _____

Federal ID Number (TIN): _____

Type of organization (corporation, joint venture, partnership, individual): _____

If a corporation, list the names of all officers, directors, and shareholders possessing five percent or more of outstanding stock in the corporation. If a partnership, list the names of all general and limited partners. Attach additional sheets as necessary.

B. Business Information

1. Describe the nature of your current business:

2. State the length of time you have been in that business under your present name:

3. With what other lines of business are you directly or indirectly affiliated?

PROPOSAL FORM B-1
PROPOSER INFORMATION FORM
(Continued)

4. Have you ever failed to complete any contract awarded to you?

If so, where and why?

5. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a contract?

If so, state name of individual, other organization, reason therefore, and bonding company:

6. Has any officer or partner of your organization ever failed to complete a contract handled in his or her own name?

If so, state name of individual, name of owner, reason therefore, and bonding company:

PROPOSAL FORM B-1
PROPOSER INFORMATION FORM
(Continued)

7. With what individuals or entities have you been associated as partner or otherwise during the last seven (7) years? Attach additional sheets as necessary.

8. Has any Disposal Facility that you operated been the subject of administrative or judicial action for alleged violation of environmental or public health laws or regulations? If so, state the details and disposition. Attach additional sheets as necessary.

9. Have you, your partners, members, joint venturers, parent corporation, or subsidiaries been a party to any lawsuits, including any current investigations, indictments, or pending litigation, within the last seven (7) years? If so, list these lawsuits. Attach additional sheets as necessary.

10. List any and all actions occurring within the last seven (7) years which have resulted in revocation or suspension of any permit or authority to do business in any federal, state or local jurisdiction, recorded by Proposer, any officer or director thereof or any affiliate or related company.

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PROPOSER INFORMATION FORM
(Continued)

11. List any and all actions occurring in the last seven (7) years that have resulted in the barring from public bidding recorded by Proposer, any officer or director thereof or any affiliate or related company.

12. List any bankruptcy proceedings in the last seven (7) years recorded by Proposer, any affiliate or related company.

C. Place of Direction and Main Office

Following are the name and location of the main office of the Proposer and the place of business from which the services in the Operation Agreement will be directed.

Main Office: Name of Company

City and State

Place of Business for Direction of Services under the Operation Agreement:

Name of Company

City and State

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PROPOSER INFORMATION FORM
(Continued)**

D. Ambiguity

In case of ambiguity or lack of clarity in stating prices in the proposal, the RECEIVER/TRUSTEE shall have the right to construe such prices in a manner most advantageous to the Solid Waste Management Division or to reject the proposal.

Company's Authorized Agent:

Signature

Name and Title (Typed or Printed)

Date

Telephone No.

Fax No.

Email address

PROPOSAL FORM B-2
CERTIFICATION OF NONDISCRIMINATION IN EMPLOYMENT
THIS FORM SHALL BE EXECUTED BY AN OFFICIAL
AUTHORIZED TO BIND THE OFFEROR, DETACHED,
AND MADE A PART OF ITS PROPOSAL

During the performance of the Operation Agreement, the Proposer, as Operator, agrees as follows:

1. The Operator shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, disability, or national origin. The Operator agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. The Operator, in all solicitations or advertisements for employees placed by or on behalf of the Operation Agreement, shall state that such Operator is an equal opportunity employer.
3. Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulations shall be deemed sufficient for the purpose of meeting the requirements of this section.
4. The Operator shall include the provisions of the foregoing Paragraphs 1, 2, and 3 above in every subcontract or purchase order so that the provisions shall be binding upon each subcontractor or vendor.

Authorized Signature

Title:

Date:

**PROPOSAL FORM B-3
GUARANTOR ACKNOWLEDGMENT
(to be typed on Guarantor's Letterhead)**

_____ (the "Proposer") has submitted herewith a proposal in response to the RECEIVER/TRUSTEE's Request for Proposals Number 001-17 ("RFP"). If selected to enter into negotiations of the Operation Agreement with the RECEIVER/TRUSTEE and awarded the resulting Agreement, the Proposer will agree to provide Services required by the Operation Agreement, including compliance with all applicable permits, licenses, approvals and other Applicable Laws, and performing all other related and ancillary services described in the RFP that apply to Proposer and Proposer's services.

The Guarantor has reviewed the Proposer's proposal which, along with the RFP, will form the basis of the Operation Agreement. The Guarantor hereby certifies that it will unconditionally guarantee the performance of all of the obligations of the Proposer set forth in the proposal in the event the Proposer is selected for final negotiations and execution of the Operation Agreement, and that it will execute a separate Guaranty Agreement in the form presented with the Operation Agreement in Appendix A to the RFP.

The Guarantor further acknowledges that there will be no stated maximum dollar limitation or cap on the liability of the Guarantor under the Guaranty to pay any damages or other amounts that may be due the Solid Waste Management Division on account of any non-performance by the Proposer as Operator under the Operation Agreement.

Name of Guarantor

Name of Authorized Signatory

Signature

Title

Date

**PROPOSAL FORM B-4
Proposed Convenience Termination Payments**

Proposer proposes the following schedule of payments if the Operation Agreement is terminated for convenience during the Initial Term. Payments are based on termination at end of month. If termination occurs prior to the end of any month, the payment will be prorated.

Termination for Convenience during the Initial Term

Month of Termination	Total Termination Payment to the Operator
Month 1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
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Date

PROPOSAL FORM B-5
AFFIDAVIT DISCLOSING OWNERSHIP and COMMISSIONS

CITY OF _____)
) ss.
STATE OF _____)

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

- [] The Proposer is an individual or sole proprietor and owns the entire (100%) interest in the proposing business.

- [] The Proposer is a corporation, partnership, joint venture, or association known as _____ [please state name of Proposer company], and the persons, companies, partners, or joint venturers who have held more than 10% of the shares or interest in the proposing 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>
_____	_____	_____

C. If the ownership of the proposing 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:
Proposer, if the Proposer is an individual;
Partner, if the Proposer is a partnership;
Officer, if the Proposer is a corporation.

Subscribed and sworn to before me
this ____ day of _____, 2010.

NOTARY PUBLIC
My commission expires: _____

PROPOSAL FORM B-6
AFFIDAVIT re NON-COLLUSION

CITY OF _____)
) ss.
STATE OF _____)

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

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

The proposal for the solicitation identified above is genuine and not collusive or a sham. The Proposer has not colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer or Person, to put in a sham proposal or to refrain from making an offer. The Proposer 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 Proposer or of any other Proposer, or to fix any overhead, profit or cost element of said proposal price, or of that of any other Proposer, or to secure any advantage against the Government of Guam or any other Proposer, or to secure any advantage against the Government of Guam or any Person interested in the proposed Agreement. All statements in this affidavit and in the proposal are true to the best of the knowledge of the undersigned. This statement is made pursuant to 2 GAR Division 4 § 3126(b).

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

Signature of one of the following:
Proposer, if the Proposer is an individual;
Partner, if the Proposer is a partnership;
Officer, if the Proposer is a corporation.

Subscribed and sworn to before me

this _____ day of _____, 2010.

NOTARY PUBLIC
My commission expires _____, _____.

AG Procurement form 003 (July 12, 2010)

PROPOSAL FORM B-7
AFFIDAVIT re NO GRATUITIES or KICKBACKS

CITY OF _____)
) ss.
 STATE OF _____)

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

1. The name of the proposing firm or individual is [state name of Proposer company] _____.
 Affiant is _____ [state one of the following: the Proposer, a partner of the Proposer, an officer of the Proposer] making the foregoing identified bid or proposal.
2. To the best of affiant’s knowledge, neither affiant, nor any of the Proposer’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 Proposer, 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 Proposer’s officers, representatives, agents, subcontractors, or employees has or 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 Proposer’s proposal.
4. I make these statements on behalf of myself as a representative of the Proposer, and on behalf of the Proposer’s officers, representatives, agents, subcontractors, and employees.

 Signature of one of the following:
 Proposer, if the Proposer is an individual;
 Partner, if the Proposer is a partnership;
 Officer, if the Proposer is a corporation.

Subscribed and sworn to before me
 this _____ day of _____, 2017.

 NOTARY PUBLIC
 My commission expires _____, _____.

AG Procurement form 004 (July 12, 2010)

PROPOSAL FORM B-9
DECLARATION RE COMPLIANCE WITH U.S. DOL WAGE DETERMINATION

Procurement No.: 001-17

Name of Proposer Company: _____

I, _____ hereby **certify**
under penalty of perjury:

(1) That I am _____ [*please select one: the Proposer, a partner of the Proposer, an officer of the Proposer*] making the bid or proposal in the foregoing identified procurement;

(2) That I have read and understand the provisions of 5 GCA § 5801 and § 5802 which read:

§ 5801. Wage Determination Established.

In such cases where the Government of Guam enters into contractual arrangements with a sole proprietorship, a partnership or a corporation ("contractor") for the provision of a service to the Government of Guam, and in such cases where the contractor employs a person(s) whose purpose, in whole or in part, is the direct delivery of service contracted by the Government of Guam, then the contractor shall pay such employee(s) in accordance with the Wage Determination for Guam and the Northern Mariana Islands issued and promulgated by the U.S. Department of Labor for such labor as is employed in the direct delivery of contract deliverables to the Government of Guam.

The Wage Determination most recently issued by the U.S. Department of Labor at the time a contract is awarded to a contractor by the Government of Guam shall be used to determine wages, which shall be paid to employees pursuant to this Article. Should any contract contain a renewal clause, then at the time of renewal adjustments, there shall be made stipulations contained in that contract for applying the Wage Determination, as required by this Article, so that the Wage Determination promulgated by the U.S. Department of Labor on a date most recent to the renewal date shall apply.

§ 5802. Benefits.

In addition to the Wage Determination detailed in this Article, any contract to which this Article applies shall also contain provisions mandating health and similar benefits for employees covered by this Article, such benefits having a minimum value as detailed in the Wage Determination issued and promulgated by the U.S. Department of Labor, and shall contain provisions guaranteeing a minimum of ten (10) paid holidays per annum per employee.

(3) That the Proposer is in full compliance with 5 GCA § 5801 and § 5802, as may be applicable to the procurement referenced herein;

(4) That I have attached the most recent wage determination applicable to Guam issued by the U.S. Department of Labor. [*INSTRUCTIONS - Please attach!*]

Signature

AG Procurement form 006 (February 16, 2010)

PROPOSAL FORM B-10

AFFIDAVIT re CONTINGENT FEES

CITY OF _____)
) ss.
STATE OF _____)

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

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

2. As a part of the Proposer’s proposal, to the best of my knowledge, the Proposer has not retained any person or agency on a percentage, commission, or other contingent arrangement to secure this contract. This statement is made pursuant to 2 GAR Division 4 § 11108(f).

3. As a part of the Proposer’s bid or proposal, to the best of my knowledge, the Proposer 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. This statement is made pursuant to 2 GAR Division 4 § 11108(h).

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

Signature of one of the following:
Proposer, if the Proposer is an individual;
Partner, if the Proposer is a partnership;
Officer, if the Proposer is a corporation.

Subscribed and sworn to before me
this ____ day of _____, 2010.

NOTARY PUBLIC
My commission expires _____, _____.