



**Eddie Baza Calvo**  
Governor  
**Ray Tenorio**  
Lieutenant Governor

DEPARTMENT OF ADMINISTRATION  
(DIPATTAMENTON ATMENESTRASION)  
**DIRECTOR'S OFFICE**

(Ufisanan Direktot)  
590 South Marine Corps Drive, Suite 224, ITC Bldg.  
Tamuning, GU 96913  
Post Office Box 884 \* Hagåtña, Guam 96932  
TEL: (671) 475-1250 \* FAX: (671) 477-6788



**Christine W. Baleto**  
Acting Director  
**Anisia B. Terlaje**  
Deputy Director

Procurement No. **RFP/DOA-001-16**

March 31, 2016

Dear Prospective Offeror:

Buènas yan Hafa Adai!

We would like to thank you for your interest in submitting a proposal to provide consulting services to the Department of Administration regarding the proposed changes to the Government of Guam's Retirement Program.

The government of Guam is issuing a Request for Proposal (RFP) to procure the services of an actuary to serve as a consultant in reviewing existing actuary data/reports and advise the Department of Administration on matters pertaining to the legislation that seeks to add additional retirement programs for Government employees. Therefore, this is to invite your company to submit a proposal to this RFP.

To register as an interested company, you must complete and email the "Acknowledgement of Receipt of RFP" form to the government of Guam at [jennifer.badar@gsa.doa.guam.gov](mailto:jennifer.badar@gsa.doa.guam.gov). In the event any amendments or inquiries to the RFP are issued, the acknowledgement will ensure that all interested parties are informed of such change(s) and information.

Thank you in advance for your response and we look forward to working with your company.

*1*   
**CLAUDIA S. ACFALLE**  
Chief Procurement Officer



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**ACKNOWLEDGEMENT OF RECEIPT OF RFP**  
**Procurement No.: RFP/DOA-001-16**

Attention: Director's Office, Department of Administration  
From: \_\_\_\_\_  
Subject: Registration of interest to provide Actuary Consulting Services

To register as an interested company, you must complete and email the following information to the government of Guam at [jennifer.badar@gsadoa.guam.gov](mailto:jennifer.badar@gsadoa.guam.gov) by **4:00 p.m., April 23, 2016 Guam time**. The government of Guam cannot guarantee that your company will receive any amendments or notices to the RFP that may be issued unless the information below is completed and submitted as provided herein.

<b>Date:</b>	
<b>Company Name:</b>	
<b>Contact Person &amp; Title:</b>	
<b>Contact Information:</b>	Telephone No.: ( )
	Facsimile No.: ( )
	E-Mail address:
	E-Mail address:
<b>Mailing address:</b>	
<b>Street address:</b>	



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**Anisia B. Terlaje**  
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March 31, 2016

Procurement No.:  
Description:

**RFP/DOA-001-16**  
**Fiscal Year 2016 Actuary or other recognized expert**  
**Request for Proposal (RFP)**

**SPECIAL REMINDER TO PROSPECTIVE OFFERORS**

Offerors shall carefully read all sections of this Request for Proposal (RFP) and be informed of all its terms and conditions. Offerors are especially alerted to the sections entitled "**Proposal Contents and Requirements**" in the RFP, and are asked to ensure that all required documents and information are included in their proposal.

Compliance with the following is mandatory, but not inclusive of all the requirements of the RFP:

- Each offeror shall submit an original proposal and 3 copies to the Department of Administration at the address indicated in this RFP.
- Each proposal must be organized, fully assembled and complete.
- All offerors should submit their sealed cost proposal separately within the original response.
- Affidavit Forms
  - A. The government requires five (5) different Affidavits and one (1) Declaration Form (Forms A, B, C, D, E and F)
  - B. The **Disclosure Affidavit** must be made between the date of issuance of this RFP and the date that proposals are due, so as long as the ownership listing mentioned in the Affidavit is for the 365 day period preceding the date the offeror submits the proposal.
  - C. One original of each form and 3 copies of each must be submitted. The original form shall be submitted with the original proposal and the copies shall be submitted with the proposal copies.
- A copy of the current business license must be submitted together with the proposal. Otherwise, a license must be obtained prior to the conclusion of negotiations, if selected.

- This solicitation does not commit the government of Guam to award a contract, to pay costs incurred, or contract for any services.
- The government of Guam will not conduct any negotiations with multiple agents who are representing the same actuarial firm.
- Prospective offerors are required to register as an interested party by completing the "Acknowledgement of Receipt of RFP" and submitting the Acknowledgement by **4:00 p.m. April 23, 2016, Guam time.**
- All questions regarding this RFP must be submitted in writing to the Chief Procurement Officer of the General Services Agency no later than **4:00 p.m. April 25, 2016, Guam time.**
- All proposals must be received by the Chief Procurement Officer of the General Services Agency later than **4:00 p.m., May 10, 2016 Guam time.**
- The RFP is also available at the General Services Agency's website at <http://gsa.doa.guam.gov> at no charge.



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DEPARTMENT OF ADMINISTRATION

**FISCAL YEAR 2016**  
**ACTUARY CONSULTING SERVICES**  
**OR OTHER RECOGNIZED EXPERT**  
**REQUEST FOR PROPOSAL**  
**(RFP)**

Procurement No.: **RFP/DOA-001-16**

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## **I. GENERAL INFORMATION**

### **A. Purpose and background**

The fundamental financial objective of a public employee defined benefit, defined contribution, and hybrid plan is to fund the long-term cost of benefits in a fiscally sustainable manner. To help reach this objective, public plans hire actuaries to determine the funded status of a plan and the necessary contributions which, when combined with investment earnings, will pay the promised benefits when they are due. Actuaries also act as technical advisors to plans trustees or regarding plan design, actuarial assumptions, methods, and cost.

There are three separate retirement plans generally available to Government of Guam employees: (a) employees employed on or before September 30, 1995 who were required to become members of the Retirement Fund (Defined Benefit Plan) under Article 1, Chapter 8, Title 4 of the Guam Code Annotated; (b) employees employed after September 30, 1995 were and remain required to become participants in the Defined Contribution Retirement System under Article 2, Chapter 8, Title 4 of the Guam Code Annotated; and (c) all employees, except those participating in a Government of Guam sponsored plan under Section 403(b) of the Internal Revenue Code, may voluntarily participate in the Deferred Compensation Program under Article 3, Chapter 8, Title 4 of the Guam Code Annotated.

The Guam Legislature has determined through advice from the Government of Guam Retirement Fund (GGRF) and reports from GGRF's actuary that the benefit levels of retirees of the Defined Contribution Retirement System, including those who voluntarily participate in the Deferred Compensation Program, will not be sufficient to maintain their standards of living in retirement. The Guam Legislature has proposed a new "Hybrid Retirement System", an enhanced Defined Contribution Plan ("DCP"), a Cash Balance Plan ("CBP"), and a Defined Benefit Plan ("DBP") be implemented.

### **B. RFP Summary Statement**

The General Services Agency is requesting proposals from qualified actuarial consulting firms to provide a range of actuarial services and actuarial advice to the government of Guam's Department of Administration. The Actuary will review the proposed plan design, actuarial assumptions, methods and costs to provide the team with professional advice on concerns related to the impact on the Government's finances. The focus of the project is a review of Bill 02-33 and other legislation's plan design and actuary reports related to proposed changes to the Government of Guam's retirement plan to assure that the results presented are actuarially sound, reasonable, and consistent with industry standards. This search was authorized by the Acting Director and seeks to identify limited actuarial services. The consultant (s) will report to the Acting DOA Director. This is a limited term contract for a specific purpose.

### **C. General authority for procurement**

The government is issuing this Request for Proposals (RFP) subject to the competitive selection procedures for professional services found in the Guam Procurement Law (5 GCA § 5001, *et seq.*) and its regulations (2 GAR Div. 4 § 1101, *et seq.*) Specifically, the procedure for this RFP is found at 2 GAR Div. 4, § 3114 and its subsections. Section 3114 is quoted in its entirety in Exhibit B.

The Guam Code Annotated (GCA) and the Guam Administrative Rules and Regulations (GAR) are available from the web site of Guam's Compiler of Laws found at [www.guamcourts.org/CompilerofLaws](http://www.guamcourts.org/CompilerofLaws).

Nothing in this RFP or any process carried out pursuant to this RFP is meant to confer a right to any offeror to be awarded a contract or a right to enter into a contract with the government.

**D. Determination to use competitive selection procedure**

The following written determination is required by law prior to the announcement for the need of the services described in this RFP:

By issuing this RFP, the government has determined (a) that the services to be acquired are a type of service specified in 2 GAR Div. 4 § 3114(a) for competitive selection of services; (b) that a reasonable inquiry has been conducted on the availability of actuarial services, and the government does not provide this type of services; (c) that the service provider or providers shall be an independent contractor to the government; and (d) that the government has developed, and fully intends to implement, a written plan for utilizing such services as will be included in the contractual statement of work.

**E. All parties to act in good faith**

The Guam Procurement Law and the Guam Procurement Regulations require that all parties involved in the preparation of proposals; the preparation of the RFP; the evaluation and negotiation of proposals; and the performance or administration of contracts to act in good faith.

**F. Liability for costs to prepare proposal**

The government is not liable for any costs incurred by any offeror in connection with the preparation of its proposal. By submitting a proposal, the offeror expressly waives any right it may have against the government for any expenses incurred in connection with the preparation of its proposal.

**G. Applicability of Guam Procurement Law**

If any part of this RFP is contrary to the Guam Procurement Law or contains ambiguous terms, then such portion of the RFP shall be interpreted or resolved in favor of or according to the provisions of the Guam Procurement Law.

**H. Licensing and other statutory requirements**

All offerors must comply with Guam laws and procurement regulations and should provide a current business license at the time of proposal submission. If a prospective offeror is not licensed at the time of proposal submission, one must be obtained prior to an award and prior to the conclusion of negotiations. Any undue delay in obtaining a Guam business license will result in the termination of negotiations, and the government moving on to the next best qualified offeror.

**I. Registration as interested party or offeror and fee for RFP**

The RFP is available on-line at the General Services Agency website without charge at [www.gsa.doa.guam.gov](http://www.gsa.doa.guam.gov).

All parties who receive an RFP, either via the web site or by hard copy at DOA, and who are possibly interested in submitting a proposal must register as an interested party by filling out the "Acknowledgment of Receipt of RFP" form and delivering it to the government. Only registered companies are assured of receiving any amendments to the RFP and responses to inquiries.

#### **J. Restrictions against sex offenders**

If a contract is awarded, then the offeror must warrant that no person in its employment who has been convicted of a sex offense under the provisions of 9 GCA Chapter 25 or of an offense defined in 9 GCA Chapter 28 Article 2, 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 Offense Registry, shall provide services on behalf of the offeror while on government property, with the exception of public highways.

If any employee of an offeror is providing services on government property and is convicted subsequent to an award of a contract, then the offeror 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 on government property.

If the offeror is found to be in violation of any of the provisions of this section, then the government will give notice to the offeror to take corrective action. The offeror shall take corrective action within twenty-four hours of such notice, and the offeror shall notify the government when action has been taken. If the offeror fails to take corrective steps within twenty-four hours of notice, then the government in its sole discretion may suspend temporarily the contract until corrective action has been taken.

#### **K. Contract Terms**

The contract term shall be limited term.

#### **L. Confidentiality and proprietary information**

Pursuant to the procurement law, after an award of a services contract, the contract and proposal become public record. Proposals that are not awarded a contract remain private and the government may not disclose them to the public. The full procurement record also becomes public record, including the proposals of awarded offerors except for those portions designated as proprietary or confidential in accordance with the procedures outlined in Section III, C.2 below

#### **M. RFP Specifications**

If, in response to this RFP, trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, such claims must be clearly made and such information must be clearly identified. The information must be identified in the RFP response and provided separately from the remainder of the RFP response. Such a claim is not definitive. DOA has the right and obligation

to determine whether such information is exempt from disclosure under the Government of Guam. However, no information will be determined to be proprietary, privileged or confidential unless it is identified and separated as indicated herein.

**N. Time is of the essence**

The government intends for the services requested by the RFP to go into effect when a contract has been executed.

**O. Type of contract**

The contract to be awarded is a Fixed Price contract with Price Adjustment. The price adjustments will be provided, upon approval by the government, for modifications or expansions to the work as outlined in Description of Project.

**P. Projected Schedule of Events:**

April 18, 2016	Dissemination of RFP
April 25, 2016	Deadline for questions to DOA
May 3, 2016	Responses to questions submitted to DOA
May 10, 2016	RFP responses due by 4:30 p.m. Guam time
May 17, 2016	Evaluation of Packages and setting of date with highest Rated Offeror for negotiation (within 3 days after determination)..

**II. DESCRIPTION OF PROJECT AND QUALIFICATIONS**

**A. General Duties.** Perform all services within the scope of the contract by an approved actuary that must be regularly engaged in the business of providing actuarial services and have at least ten (10) years' experience with major public employee retirement systems and designation as a Fellow in the Society of Actuaries. GSA reserves the right to reject the firm's choice of a consulting actuary and may terminate the contract if a consulting actuary acceptable to the GSA cannot be made available by the firm.

**B. Consultation and Advisory Services.**

1. Provide actuarial consultation and advisory services. These services may be delivered in meetings or by telephone calls and written correspondence, as requested by the Acting Director of the Department of Administration (DOA). DOA expects these services may include public testimony to committees, boards, commissions, and legislators on any technical, policy, legal or administrative problems arising during the course of engagement. The consulting actuary should be readily accessible, in some form of communication within one ((1) working day and be available for meetings within five (5) working days of a request. DOA also expects the consulting actuary to be available for educational discussions the Acting DOA Director.

The consulting actuary must have the ability to discuss actuarial theory and other matters in plain English.

2. Review actuarial cost estimates of proposed legislation. Review the proposed plan design, actuarial assumptions, methods, and costs to provide the Acting Director with professional advice on concerns related to the impact on the Government's finances. The consulting actuary shall review financial impact estimates of planned statutory amendments as requested by DOA.
3. Analyze the appropriateness of the Milliam actuarial assumptions, including the investment rate of return assumption; review the actuarial assumptions and methodology for compliance with generally accepted actuarial principles; evaluate the data used for performance of the valuations including GGRF's applicable internal control procedures concerning the production of data used in the actuarial calculations, the degree to which data is sufficient to support the conclusions of the investigation, and the use and appropriateness of any assumptions made regarding the data.
4. Conduct a test of the valuation results of the Milliam report using a mathematical model of plan activity or sampling based on the same data, methods, and assumptions; evaluate the test results and reconcile any significant discrepancies between the findings, assumptions, methodology, rates, and adjustments of the contracting firm and GGRF; provide an opinion as to the accuracy of the actuarial valuation results, including a determination of actuarial accrued liability, normal cost, and expected employer contributions.
5. Provide advice with respect to the actuarial funding methods, assumptions, and techniques. Review of actuarial statistical tables, actuarial summary statements and other actuarial data, and provide advice to the DOA Acting Director on impact to government. Recommend possible improvements in proposed legislation that will address concerns noted through the review or from the advisory committee.
6. Provide recommendations on proposed financing and benefits structure. Throughout the duration of the contract, the consulting actuary will inform the DOA Acting Director of any new developments or concerns in the proposed retirement system as well as any amendments/changes incorporated until such time that the bill is either passed or rescinded.
7. Assist the DOA Acting Director in review of valuations and drafting new legislation as related to the RFP or proposed changes to existing retirement laws which govern the system. Furthermore, the consulting actuary should assist in identifying and developing strategies for resolving any policy or administrative problems associated with implementing the new legislation.
8. Prepare explanatory summary report describing key actuarial assumptions, methodology and conclusions sufficient to provide a clear, simple, and reasonable understanding as well as recommendations to the DOA Acting Director. The report prepared by the firm shall provide an evaluation sufficient to allow the firm to express an opinion regarding the reasonableness and

accuracy of the valuation results, actuarial assumptions, and application of the actuarial cost method. The report should include any recommendations or opinions regarding the alternatives to the actuarial assumptions currently being used or in their application. The addition, the firm shall provide any recommendations to improve the quality and understanding of the valuation report.

9. Provide any special actuarial studies requested by the DOA Acting Director within the scope of this agreement.(**the fee for which shall be separately negotiated**).

### **C. Meeting Attendance and Other**

1. Attend meetings (can be through teleconference).
2. Conduct such other services under the contract as may be reasonably asked of an actuarial consultant by a public pension plan.
3. Availability by phone, email or in-person meetings when appropriate for further discussion or questions.

### **D. Questions to be answered**

Unless otherwise noted, candidates should respond to all of the following questions:

#### **1. General Information:**

- a. Identify the location of the main office, and, if different, the office from which services would be provided to DOA.
- b. Provide a brief history of your firm and its operations. Include the year formed, ownership structure, and any ownership, restructuring or personnel changes that occurred during the past five (5) years that would be relevant to the advisory team.
- c. Describe the services your firm provides and give the percentage of revenue derived from actuarial services.
- d. Identify any actuarial services you are unable to perform.
- e. How many actuarial consultants does your firm have?
- f. How are consultant's recommendations to clients reviewed and monitored by your organization?
- g. Please provide details on the financial condition of your firm. The most recent annual report is acceptable, but any recent material changes should be included.
- h. Do you have any policies and procedures to address conflicts of interest or to prevent payments or relationships from being considered when you provide advice to clients?
- i. Describe the firm's experience in providing actuarial and consulting services for large public employee retirement systems and a list of the public employee retirement systems for which the firm has performed services similar to those identified under "Scope of Work." Please indicate whether the audit was a full scope or limited scope audit

- j. How does your firm evaluate the quality of its consulting services? Describe any benchmarks the firm has developed to evaluate its performance and the performance of its primary/lead consultants.
- k. Describe the levels of coverage for errors and omissions insurance and any other fiduciary or professional liability insurance the firm carries. List the insurance carriers supplying the coverage and supply certificates evidencing the coverage.
- l. Has there been any litigation against the firm or its principals/owners/officers within the past three (3) years?
- m. Has your firm been charged with or been sued for fraud, ERISA violations, Department of Labor violations, state law violations, or sustained a fidelity bond loss? If yes, provide details.
- n. Does your firm anticipate using the services of a subcontractor in fulfilling this contract?

**2. Consulting Team:**

- a. Please provide the contact information for the consultant that will be assigned to the project.
- b. Identify the primary (senior) supervising actuary available for assignment on the engagement and contact information. The supervising actuary must be a Fellow of the Society of Actuaries (FSA) and must have a minimum of ten (10) years professional experience in the actuarial consulting field. Any supporting actuary must be either a Fellow, enrolled, or have five (5) years of pension consulting experience;
- c. Please describe your experience with similar work performed by other public retirement systems.
- d. State whether the individuals assigned to the work have any responsibilities other than providing services that may impact availability.
- e. Describe your firm's backup procedures in the event that key personnel in this assignment should leave the firm.
- f. Describe how your firm controls the cost of services rendered for a client.

**3. Actuarial Valuations:**

- a. Describe the approach you would follow to conduct an actuarial review of the pension plan. Give a brief overview of the computer hardware and software systems and other tools used in performing the services under this contract.
- b. Provide a timeline of the period of time required to prepare reports.
- c. Please provide examples of experience in each of the following:
  - 1. Rating of government assets and liabilities
  - 2. Agreeing or disagreeing with another actuary
- d. Describe your approach to measuring alternative funding strategies in order to facilitate the assessment of impact of cost for the proposed retirement plans.
- e. Discuss the theory and methodology for the actuarial assumptions your firm employs.
- f. Describe your firm's approach to providing recommendations regarding the amortization of unfunded liabilities as it is impacted by the proposed legislation.
- g. Describe your approach to analysis of applicable legal parameters/restrictions under the proposed retirement plan.
- h. Disclose any relationship you have or have had with any GGRF Board

member, consultant, or employee. If there are no conflicts of interest, please state, "There are no conflicts of interest to report."

- i. Please provide a sample contract for Actuarial Consulting Services.

#### **4. References:**

- a. Provide a list of the three (3) largest public fund clients to which you provide full-retainer actuarial consulting services including name, contact, telephone number, asset values, number of years the client has retained your firm and the product (s) or service (s) the client uses. DOA may contact any of these clients for reference purposes.
- b. Provide a list of public sector clients who have terminated your actuarial relationship during the past three (3) years and their reasons for doing so. Please include their names, titles and telephone numbers.

#### **E. Minimum Qualifications and Experiences of Consultant**

The actuarial consulting firm must be regularly established in the industry of providing actuarial consulting services, financially responsible and have experienced personnel able to provide the required services. DOA may request information substantiating the above requirements. Failure to provide this information may result in a responder's proposal being declared non-responsive.

The individual (s) assigned as lead consultant (s) must have a minimum of ten (10) years professional experience in the actuarial consulting field. The Actuary shall be enrolled actuaries and shall be members of the American Academy of Actuaries or the Society of Actuaries.

The actuarial consulting firm must have been in business for a minimum of five (5) years. The firm must have provided actuarial services to other public retirement systems or corporate pension plans which are approximately the size or complexity of the GGRF plan.

The firm must not seek to unreasonably limit their liability for negligence or breach of fiduciary duty.

GSA retains the sole right to decide whether any Proposer is qualified to bid, including whether any Proposer's qualifications are sufficiently comparable to satisfy all of the above minimum qualifications.

#### **F. Selection of Finalists**

All of the submitted proposals will be evaluated by the Department of Administration evaluation team. The criteria used on evaluating the proposals will include, but is not limited to, the following:

1. Quality, conciseness, clarity and completeness of the proposal, including a demonstrated understanding of needs relative to the actuarial services referred to in the RFP.
2. Relevant experience of the team identified and the firm as it relates primarily to actuarial services for pension funds. Ten or more years an actuary and a member of either Casualty Actuarial Society or the Society of Actuaries

3. Suitability, appropriateness and specificity of the proposal's description of the services to be provided.
4. Commitment and dedication of necessary resources to support the project.
5. Independence of the firm.
6. Recommendations regarding actuarial assumptions and methodology.

Once the evaluation is completed, the highest ranked offeror will proceed to Phase Iii (negotiations)..

### **III. PROPOSAL CONTENTS, REQUIREMENTS AND INSTRUCTIONS**

#### **A. Proposal contents and requirements**

All proposals must contain the following information:

1. Cover letter. Name of the offeror, the location of the offeror's principal place of business and type of business. The offeror shall designate a contact person and include his or her address and contact numbers, including e-mail address, if different from the offeror's. The designated person must be able to answer any questions asked by the government regarding the offeror's proposal and must be able to negotiate the fee and other contract terms.
2. Letter of transmittal: A letter of transmittal must be accompanied on the Proposer's official letterhead. The letter must identify all documents provided collectively as a response to the RFP, and must be signed by an individual authorized to bind the Proposer contractually. An unsigned proposal will be rejected. All proposals must be signed with the firm name and by an authorized officer, representative, agent, or employee of the offeror. Proof of authority may be requested by the government. The letter must also contain the following:
  - a. Statement that the proposal is being made without fraud or collusion; that the Proposer has not offered or received any finder's fees, inducements or any other form of remuneration, monetary or non-monetary, from any individual or entity relating to the RFP, the proposal or the Consultant's selection.
  - b. Statement that disclosed any current business relationship or any current negotiations for prospective business with the Department of Administration or any staff.
3. Minimum Qualifications Certification. The proposer must complete the certification in Appendix A through F and provide all supporting documentation.
4. Acknowledgment of receipt of amendments. If the government issues any amendments to the RFP, the offeror must acknowledge receipt of each individual amendment in its cover letter
5. Description of company. The offeror must provide a brief description of its company, its capabilities and other information which illustrates to the government the level of expertise with which the company can provide the services requested.

6. No conflict of Interest. The offeror must include a statement affirming that there are no conflicts of interest with regard to the services required as stated herein. The offeror and its employees and agents, shall be free from any conflict of interest and association with any of the Government of Guam Retirement Fund Board, trustees, consultants, actuaries, etc..
7. Consistency with 2 GAR Div. 4, § 3114(f)(2). The Guam Procurement Law at 2 GAR Div. 4, § 3114(f)(2) describes the minimum factors the government must evaluate in proposals. Those minimum factors are:
  - a) the plan for performing the required services to include timelines to conduct the services, and explaining how the services will be performed.;
  - b) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
  - c) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting and during the term of any resulting contract; and
  - d) number of year's offeror's business has been in existence and a record of past performance of similar work to include a listing of other contracts under which services similar in scope, size or discipline to this RFP have been undertaken with contact names, addresses and telephone numbers.
8. Submission of Guam business license. All offerors must submit a copy of a current Guam business license. If a current license or licenses have not been obtained yet, then they must be obtained and copies submitted prior to an award and conclusion of negotiations, and the cover letter must explain that the offeror does not have a current Guam business license or licenses. If a copy of the required business licenses is not submitted by the time and date all the terms and conditions of a contract are agreed to between the parties, then negotiations shall terminate and the offeror's proposal will be disqualified on the basis of non-responsiveness.
9. Submission of cost proposal. All offerors must submit their sealed cost proposal with their **original proposal**. Such cost proposal shall be sealed and marked "COST PROPOSAL." Submission of the price of proposal is a certification by offeror that the price was independently arrived at without collusion.
10. Submission of disclosure forms. The Guam Procurement Law requires each offeror to make a number of disclosures. Some of the disclosures are required for an offeror to qualify to submit a bid or a proposal. An explanation of each disclosure follows. For the ease of making these required disclosures, the government is providing sample disclosure forms. There are six (6) disclosure forms labeled Forms A through F, and they are found in Exhibit A. They must be completed and included with the offeror's proposal. Failure to complete and submit the forms may disqualify the offeror's proposal as being non-responsive.
  - a. Affidavit Disclosing Ownership and Commissions (Form A). As a condition of bidding and doing business with the government, an offeror must disclose in the

form of an affidavit the names of all persons owning more than ten percent of the outstanding interest of the offeror's business during the twelve-month period immediately preceding the date the proposals are due, including the percentage owned by each such person or entity. The affidavit must be made between the date of issuance of this RFP and the date that proposals are due, so long as the ownership listing mentioned in the affidavit is for the 365-day period preceding the date the offeror submits the proposal.

The same affidavit must also disclose the identity of anyone who has received or is entitled to receive a commission, the DOA Acting Directoruity, percentage, brokerage or other compensation or contingent arrangement for procuring a contract with the government or for assisting the offeror in obtaining business related to this RFP, and the value or amounts. Please note that commissions, the DOA Acting Director annuities, percentages, contingency fees, or other compensation for the purposes stated herein are prohibited by Guam law, except that this prohibition does not apply to fees payable by the offeror upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the offeror for the purpose of securing business.

- b. Affidavit re Non-Collusion (Form B). The offeror must represent that the offer is genuine and not a sham and that the offeror is not in collusion with others, that the offeror has not colluded, conspired, connived or agreed, directly or indirectly, with any other person to put in a sham proposal, to fix the cost of the contract, to secure any advantage against the government or any person interested in the contract.
- c. Affidavit re No Gratuities or Kickbacks (Form C). The offeror must represent that it has not violated, is not violating, and promises that it will not violate, the prohibition against Gratuities and kickbacks set forth in the Guam Procurement Law. The prohibition is as follows: It is a breach of ethical standards for any person to offer, give, or agree to give any government employee or former government employee, or for any government employee or former government employee to solicit, demand, accept, or agree to accept from another person, a an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal thereof. Further, it shall be a breach of ethical standards for any payment, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement of the award of a contract or order.
- d. Affidavit re Ethical Standards (Form D). The offeror must represent that it has not knowingly influenced, and promises that it will not knowingly influence, a government employee to breach any of the ethical standards set out in Guam's procurement code or regulations pertaining to ethics in public contracting.
- e. Affidavit re Contingent Fees (Form E). The offeror must represent as a part of its

proposal that such offeror has not retained any person or agency to solicit or secure a government of Guam contract upon an agreement or understanding for a commission, percentage, brokerage, or other contingent fee or arrangement, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

- f. Declaration for Compliance with US DOL Wage Determination (Form F). Offerors are required to declare in non-affidavit form that they are in compliance with 5 GCA § 5801 and § 5802 regarding wage determination, and the current determination must be attached to the declaration.

#### **D. Proposal instructions**

1. Inquiries. In order to clarify any questions in this RFP, the DOA will respond only to questions that are presented in writing via email to [jennifer.badar@gsadoa.guam.gov](mailto:jennifer.badar@gsadoa.guam.gov) and received by the Chief Procurement Officer no later than April 25, 2016; **Guam time**. Only potential offerors who have obtained an RFP and registered may submit written questions. The government will not respond to inquiries received after the deadline. Oral statements made by the government are not binding. The government will respond in writing and send the response via electronic mail. These questions will be consolidated into a single Q & A document and responded to by May 3, 2016. The Q & A will be posted on the GSA 2 without divulging the source of the query. Delivery of inquiries to the government must be in one of the following forms:

Hand-delivered to:  
Chief Procurement Officer,  
General Services Agency  
148 Route 1  
Marine Corps. Drive  
Piti, Guam 96915

Electronic message (e-mail) to:  
[jennifer.badar@gsadoa.guam.gov](mailto:jennifer.badar@gsadoa.guam.gov).

If an inquiry requires an interpretation of the RFP, then the government shall prepare a response in the form of an amendment to the RFP. All registered interested parties shall be provided the amendment. For responses which merely guide the inquirer, the government has the discretion to provide the response to only the inquirer, or to all registered interested parties, depending on the content of the inquiry and response.

2. Sufficiency of proposals. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired. Elaborate artwork, expensive visual or other presentations are neither necessary nor desired. The government will look instead for the quality of the information provided. The onus will be on the offeror to convince the government of the offeror's capability to perform services through the documentation enumerated above in this paragraph.
3. Multiple representations of an insuring company. For the purposes of negotiating the costs and contractual terms, the actuarial firm shall designate a representative who shall have full authority to make final decisions on behalf of the company. The government will

not conduct negotiations with multiple agents who are representing the same actuarial firm. The government reserves the right to consider one offeror of the same actuarial firm or consulting firm.

4. Late proposals. No proposal will be accepted after the deadline for submitting proposals. If a proposal is delivered after the deadline for submission, it will be time-stamped and dated by the government. However, late proposals are considered non-responsive and will not be considered by the government.
5. Form and number of proposals. Each offeror shall prepare an original and four (4) hard copies of its proposal. Handwritten proposals are not acceptable. Each proposal must be organized, fully assembled and complete.
6. Submission Deadline and how to submit proposals.

The government is not responsible for any delivery costs or postage due. Proposals should be marked "confidential". The completed RFP must be delivered by May 10th Guam time. Advance delivery of responses is welcome. Any RFP delivered after the deadline will not be considered. Please send an electronic copy, as well as one complete hard copy, to the following:

Hand-delivered to:  
Chief Procurement Officer  
General Services Agency

Electronic message (e-mail) to:  
Jennifer.badar@gsadoa.guam.gov

Please note that Guam is one day ahead of the continental United States. The offeror is responsible for submitting the proposals in a timely manner regardless of choice of delivery method. The offeror's transfer of its proposal to the U.S. Post Office or to a delivery company does not constitute receipt by the government.

#### **IV. GENERAL PROCEDURES**

##### **A. Receipt and registration of proposals**

Proposals and modifications to proposals will be time-stamped upon receipt and held in a secure place until the established due date. The government will keep a Register of Proposals Received identifying the proposals, the names of the offerors, and the number of modifications received, if any, by each offeror. The Register is not open for public inspection until after award of a contract. Proposals of offerors not awarded contracts do not become public records.

##### **B. Opening of proposals**

After the deadline for submission of proposals and as soon as practical, the proposals will be unsealed by at least two authorized government representatives who shall be procurement officers for purposes of this RFP as assigned by the Chief Procurement Officer. They shall at all times conduct the administration of this procurement together in the presence of each other. Proposals will not be opened publicly, nor disclosed to unauthorized persons.

## C. Proposal evaluation and negotiation procedure

1. Phase I. Phase I is the initial screening of all proposals to determine whether the minimum requirements specified in the RFP were met, including submission of all disclosure forms, and whether the proposals were signed as required. The lack of any of the disclosure forms or other information required to be submitted may be cause for a finding of non-responsiveness. Proposals will then be re-sealed and held in safe-keeping by one of the administrators until time for evaluation. If any proposal is determined to be non-responsive, such offeror shall be notified in writing about the determination.
2. Phase II. Phase II consists of the evaluation of the information provided by the offerors pursuant to Section II of this RFP, by an evaluation team, and the ranking of the offerors based on the evaluation results. A relative weight is assigned to the minimum factors which will be rated on a scale from zero (0) to ten (10), with ten (10) being the highest possible score.

The relative total points is derived by multiplying the relative weight by the points assigned by the evaluator ( $A \times B = C$ ). This process will be implemented until all questions are rated. The cumulative relative weighted points are derived by adding all relative total points assigned by an evaluator (summation of C). The rating results from all evaluators are summed up to arrive at the total points awarded to each offeror. Then; the offerors will be ranked in accordance with the number of total points.

During the evaluations, the evaluation team may conduct discussions with any offeror, either in person or telephonically. Discussions are discretionary to the evaluation team. The purposes of such discussions shall be (a) to determine in greater detail the offeror's qualifications; or (b) to explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. Discussions shall not disclose any information derived from proposals submitted by other offerors. If requested by the purchasing agency, the issues clarified during discussion should be put into writing by the offeror and submitted to the government within three business days of conclusion of discussions, and may be submitted electronically or via facsimile. The government will provide further instructions as may be necessary.

Prior to the conclusion of discussions with any offeror, its proposal may be modified or withdrawn upon written request by the offeror.

Upon conclusion of all evaluations and ratings, the offerors with the three highest number of points shall be named in ranking order. The offeror with the highest number of points is the best qualified offeror.

If the best qualified offeror marked any portion or portions of its proposal as containing confidential or proprietary information, then those portions shall be reviewed by the government to determine whether they contain confidential or proprietary material. If the government agrees, then the parties shall move on to Phase III. If the government does not agree, then the government must issue a written determination regarding the matter explaining why. If the offeror is

dissatisfied with the written determination, then it may withdraw its proposal or submit a protest according to the procedures set out in the Guam Procurement Law.

Upon resolution of confidentiality issues, if any, the government shall notify each registered offeror of the evaluation results to the extent permissible by law.

3. Phase III. Phase III is the evaluation of the best qualified offeror's cost proposal. Negotiations for fees and other terms of a contract will begin with the highest ranked offeror by opening of the sealed envelope containing the offeror's cost proposal. The Director or his or her designee(s) may conduct the cost negotiations.

If an agreement can be reached as to a fair and reasonable rate, and as to any other contract terms which require negotiation, then the government will award the contract to such highest ranked offeror. The government shall send the highest ranked offeror a Notice of Intent to Award in electronic form or by facsimile, and a contract will be prepared for signature by the parties.

However, if an offeror's cost proposal is beyond the government's estimates of reasonableness and the government does not expect that an economical and beneficial contract can be developed and negotiated, then the government will not proceed with Phase IV with the offeror and advise such offeror of its decision in writing. Upon delivery of the notice to terminate contract negotiations, the government may negotiate with the second highest ranked offeror. Once an offer has been rejected, it cannot request reconsideration.

If negotiations with the second highest ranked offeror are successful, then a contract may be awarded. If negotiations again fail, then the process is repeated with successively ranked offerors until a contract is successfully negotiated. As used herein, the term "award" refers to an actual contract signed by all parties as required by law.

4. Phase IV. Phase IV is the contract finalization stage, and includes drafting, reviewing and signing of the written contract. By law, the contract must also be reviewed and approved by the Bureau of Budget and Management and the Attorney General before the Governor will provide his final approval by signing the contract. No contract is valid and binding until it is signed by the Governor. All finalists acknowledge that only the Governor may bind the government to this contract.

#### **D. Cancellation of RFP or solicitation**

The government may cancel this RFP or solicitation, in whole or in part, at any time, or may reject all proposals so long as the government makes a written determination that doing so is in the best interest of the government and a contract has not yet been fully signed. In the event of cancellation or rejection of all proposals, proposals that have been unsealed shall remain the property of the government and not returned to the respective offerors. A proposal that has not been unsealed (such as late proposals) will be returned to the offeror upon request of the offeror.

**E. Rejection of individual proposals**

The government shall have the prerogative to reject proposals in whole or in part when doing so is in the best interest of the government as provided for in the procurement laws. Reasons for rejection of individual proposals include, but are not limited to, reasons such as: (a) the offeror is non-responsible as determined under 2 GAR Div. 4 § 3116; (b) the proposal ultimately fails to meet the announced requirements of the government in some material respect notwithstanding opportunity for altering or clarifying the proposal; or (c) the proposed price is clearly unreasonable.

**F. Non-Qualifying proposals**

The Evaluation Team will evaluate each proposal to determine if it was submitted in accordance with the requirements set forth in this RFP. All non-qualifying proposals will be rejected at this time and the rejected proposing firms so notified.

**G. Rights Reserved:**

DOA reserves the right to amend any segment of the RFP prior to the announcement of a successful contractor. In such event, all responders will be afforded the opportunity to revise their proposal to accommodate the RFP amendment.

**H. Ex-parte communications**

The proposal provides that all "ex-parte communications" concerning investment, rulemaking, or quasi-adjudicatory matters pending before a government agency must be documented and some must be reported. An "ex-parte communication" is any written or oral communication by any person that imparts or requests material information or makes a material argument regarding potential action concerning an investment, a rulemaking process, or a quasi-adjudicatory matter. An "ex-parte communication" does not include statements publicly made in a forum or communications among employees of the government.

An "ex-parte communication" from an "interested party" or his or her official representative or attorney to an employee or the agency must be memorialized and made a part of the record. An "interested party" is a person or entity whose rights, privileges, or interests are the subject of /or are directly affected by an investment, regulatory or quasi adjudicatory matter.

An "ex-parte communication" other than that described above must be reported by the staff member or Board Trustee immediately to the agency's Ethics Officer. The communication must be memorialized and made a part of the record. The communication must be filed with the Executive Ethics Commission, accompanied by a memorandum, from the Ethics Officer.

**I. Freedom of Information Act**

The information submitted in response to this RFP will be subject to public disclosure pursuant to the Government of Guam Freedom of Information Act. The Act provides generally that all records relating to a public agency's business are open to public inspection and copying, unless specifically exempted under one of the several exemptions set forth in the Act

\_\_\_\_\_  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Date: \_\_\_\_\_

**EXHIBIT A**

**Form A**

**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 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Further, I say that the persons who have received or are entitled to receive a commission, the DOA Acting Directoruity 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 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: \_\_\_\_\_







**EXHIBIT A**

**Form E**  
**AFFIDAVIT re CONTINGENT FEES**

CITY OF \_\_\_\_\_ )  
STATE OF \_\_\_\_\_ ) ss.

\_\_\_\_\_ [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. This statement is made pursuant to 2 GAR Division 4 11108(f).

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. 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 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: \_\_\_\_\_, \_\_\_\_\_.

**EXHIBIT A**

**Form F**

**DECLARATION re COMPLIANCE WITH U.S. DOL WAGE DETERMINATION**

Procurement No.: \_\_\_\_\_

Name of Offeror Company: \_\_\_\_\_

I, \_\_\_\_\_ hereby **certify under penalty of perjury**:

(1) That I am \_\_\_\_\_ [please select one: the offeror, a partner of the offeror, an officer of the offeror] 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 offeror 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

**EXHIBIT B**

**COPY OF 2 GAR DIV. 4 § 3114**

**§3114. Competitive Selection Procedures for Services Specified in §2112 (Authority to Contract for Certain Services and Approval of Contracts) of these Regulations.** (a) **Application.** The provisions of this Section apply to every procurement of the services of accountants, physicians, lawyers, dentists, and other professionals as specified in §2112 (Authority to Contract for Certain Services and Approval of Contracts) of these Regulations.

(b) **Conditions for use of Competitive Selection Procedures.** Except as authorized under 5 GCA §5214 (Sole Source Procurement) or 5 GCA §5215 (Emergency Procurement) of the Guam Procurement Act, competitive selection procedures shall be used for all procurement of the services listed in Section 3114(a) (Application) in excess of \$5,000. Any procurement of such services not in excess of this amount may be procured in accordance with Section 3111 (Small Purchases) of this Chapter.

(c) **Determination Required Prior to Use of Competitive Selection Procedures.** For the purposes of procuring the services specified in § 3114 (a) (Application), any using agency of the territory may act as a Purchasing Agency except as otherwise provided by law. (The Purchasing Agency shall consult with the Chief Procurement Officer or a designee of such office when procuring such services). However, the Chief Procurement Officer may, in his or her discretion, procure services for a using agency when requested. In either case, the head of the using agency or a designee of such officer shall determine in writing, prior to announcing the need for any such services:

- (1) that the services to be acquired are services specified in §3114(a);
- (2) that a reasonable inquiry has been conducted, which shall include requesting the appropriate Personnel Services Department to report on the availability of such personnel, and the territory does not have the personnel or resources to perform the services required under the proposed contract;
- (3) the nature of the relationship to be established between the using agency and the contractor by the proposed contract; and
- (4) that the using agency has developed, and fully intends to implement, a written plan for utilizing such services which will be included in the contractual statement or work.

(d) **Statement of Qualifications.** When the services specified in §3114(a) (Application) are needed on a recurring basis, the Procurement Officer shall actively solicit persons engaged in providing such services to submit annual statements of qualifications in a prescribed format which shall include the following information:

- (1) technical education and training;
- (2) general or special experience, certifications, licenses, and membership in professional associations, societies, or boards;
- (3) an expression of interest in providing a particular service specified in § 3114(a); and
- (4) any other pertinent information requested by the Procurement Officer.  
Persons may amend statements of qualifications at any time by filing a new statement.

(e) **Public Notice in Competitive Selection Procedures.** Notice of the need for services

specified in Section 3114(a) (Application) is made by the Procurement Officer in the form of a Request for Proposals at least ten (10) days before the proposals are due. Adequate public notice shall be given as provided in §3109(f) (Public Notice), and additionally shall consist of distributing Requests for Proposals to persons interested in performing the services required by the proposed contract.

**(f) Request for Proposals.**

**(1) Contents.** The Request for Proposals shall be in the form specified by the Procurement Officer and contain at least the following information:

- (A) the type of services required;
- (B) a description of the work involved;
- (C) an estimate of when and for how long the services will be required;
- (D) the type of contract to be used;
- (E) a date by which proposals for the performance of the services shall be submitted;
- (F) a statement that the proposals shall be in writing;
- (G) a statement that offerors may designate those portions of the proposals which contain trade secrets or other proprietary data which may remain confidential;
- (H) a statement of the minimum information that the proposal shall contain, to include:
  - (i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
  - (ii) if deemed relevant by the Procurement Officer, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
  - (iii) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
  - (iv) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a period of time, as specified in the Request for Proposals;
  - (v) a plan giving as much detail as is practical explaining how the services will be performed; and
  - (vi) the factors to be used in the evaluation and selection process and their importance.

**(2) Evaluation.** Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The following factors may be appropriate to use in conducting the evaluation. The relative importance of these and other factors will vary according to the type of services being procured. The minimum factors are:

- (A) the plan for performing the required services;
- (B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the personnel proposed to

be assigned to perform the services;

(C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting, and

(D) a record of past performance of similar work.

(g) **Pre-Proposal Conferences.** Pre-proposal conferences, as appropriate, may be conducted in accordance with §3109(h) (Pre-Bid Conferences). Such a conference may be held any time prior to the date established for submission of proposals.

(h) **Receipt and Handling of Proposals.**

(1) **Registration.** Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. Proposals shall not be opened publicly nor disclosed to unauthorized persons, but shall be opened in the presence of two or more procurement officials. A Register of Proposals shall be established which shall include for all proposals, the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The Register of Proposals shall be opened to public inspection only after award of the contract. Proposals of offerors who are not awarded the contract shall not be opened to public inspection.

(2) **Requests of Nondisclosure of Data.** If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the head of the agency conducting the procurement or a designee of such office shall examine the request in the proposal to determine its validity prior to entering negotiations. If the parties do not agree as to the disclosure of data in the contract, the head of the agency conducting the procurement or a designee of such officer shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposals or protests under 5 GCA Chapter 5 Article 9 (Legal and Contractual Remedies) of the Guam Procurement Act, the proposal will be so disclosed.

(i) **Discussion.**

(1) **Discussions Permissible.** The head of the agency conducting the procurement or a designee of such officer shall evaluate all proposals submitted and may conduct discussions with any offeror. The purposes of such discussions shall be to:

(A) determine in greater detail such offeror's qualifications, and

(B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.

(2) **No Disclosure of Information.** Discussions shall not disclose any information derived from proposals submitted by other offerors, and the agency conducting the procurement shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be opened to public inspection except as otherwise provided in the contract. (See §3114(h)(1), Receipt and Handling of Proposals, Registration).

(3) **Modification or Withdrawal of Proposals.** Proposals may be modified or withdrawn at any time prior to the conclusion of discussions.

(j) **Selection of the Best Qualified Offerors.** After conclusion of validation of qualifications, evaluation, and discussion as provided in §3114(i) (Discussions), the head of the agency conducting the

procurement or a designee of such officer shall select, in the order of their respective qualification ranking, no fewer than three acceptable offerors (or such lesser number if less than three acceptable proposals were received) deemed to be the best qualified to provide the required services.

(k) **Submission of Cost or Pricing Data.** The offeror determined to be best qualified shall be required to submit cost or pricing data to the head of the agency conducting the procurement at a time specified prior to the commencement of negotiations in accordance with §3118 (Cost or Pricing Data) of these Regulations.

**(l) Negotiation and Award of Contract.**

(1) **General.** The head of the agency conducting the procurement or a designee of such officer shall negotiate a contract with the best qualified offeror for the required services at compensation determined in writing to be fair and reasonable.

(2) **Elements of Negotiation.** Contract negotiations shall be directed toward:

(A) making certain that the offeror has a clear understanding of the scope of work, specifically, the essential requirements involved in providing the required services;

(B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and

(C) agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of such services.

(3) **Successful Negotiation of Contract with Best Qualified Offeror.** If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror.

**(4) Failure to Negotiate Contract With Best Qualified Offeror.**

(A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefor shall be placed in the file and the head of the agency conducting procurement or a designee of such officer shall advise such offeror of the termination of negotiations which shall be confirmed by written notice within three days.

(B) Upon failure to negotiate a contract with the best qualified offeror, the head of the agency conducting the procurement or the designee of such officer may enter into negotiations with the next most qualified offeror. If compensation, contract requirements, and contract documents can be agreed upon, then the contract shall be awarded to that offeror. If negotiations again fail, negotiations shall be terminated as provided in Subsection 3114(l)(4)(a) of this Section and commence with the next qualified offeror.

(5) **Notice of Award.** Written notice of award shall be public information and made a part of the contract file.

(6) **Failure to Negotiate Contract with Offerors Initially Selected as Best Qualified.** Should the head of the agency conducting the procurement or a designee of such officer be unable to negotiate a contract with any of the offerors initially selected as the best qualified offerors, offers may be resolicited or additional offerors may be selected based on original, acceptable submissions in the order of their respective qualification ranking and negotiations may continue in accordance with Subsection 3114(l)(4) of this Section until an agreement is reached and the contract awarded.

(m) **Memorandum of Evaluation and Negotiation.** At the conclusion of negotiations resulting in the award of the contract, the head of the agency conducting the procurement or a designee of such officer shall prepare a memorandum setting forth the basis of award including:

(1) how the evaluation factors stated in the Request for Proposals were applied to determine the best qualified offerors; and

(2) the principal elements of the negotiations including the significant considerations relating to price and the other terms of the contract. All memoranda shall be included in the contract file and be available for public inspection.

(n) **Approval of Contracts for Legal Services.** As provided by §2111 (Authority to Contract for Certain Service, Approval of Contracts for Legal Services) of these Regulations, no contract for the services of legal counsel may be awarded without the approval of the Attorney General.

(o) **Reports.** The head of each using agency shall submit annually to the Chief Procurement Officer a listing of all contracts awarded under §3114 of these Regulations in the preceding fiscal year. The report shall identify the parties to the contract, the contract amount, duration, and the services to be performed thereunder.

**EXHIBIT C**  
**PHASE I**  
**ACTUARIAL CONSULTANT RFP**  
**EVALUATION FORM**

Company Name: \_\_\_\_\_

Evaluator Name: \_\_\_\_\_

Evaluation Date: \_\_\_\_\_

Compliance with RFP Requirements. Did company meet requirements as specified in RFP			
YES	NO		
		1) Disclosure Affidavits with original seal: * Disclosing ownership. The affidavit must be made between the date of issuance of this RFP and the date that proposals are due. * Non-Collusion * No Kickback or Kickbacks * Ethical Standards * Contingent Fees * Declaration for Compliance with US DOL Wage Determination	
		2) Conflict of Interest. Is the consultant free from any conflict of interest and association with any of the insurers, the affiliates and ultimate parent companies that provide coverage to the Government of Guam's Group Insurance Program?	
		3) Acknowledgement of Amendments issued, if any.	
		4) Authorized signature	
		5) Business License	
		6) Sealed Cost Proposal	
		7) Original with _____ copies	
A Relative Weight	B Points 0-10	C Relative Total Points (AxB=C)	
.10			<b>A) General Duties.</b> Perform all services within the scope of the contract by an approved actuary that must be regularly engaged in the business of providing actuarial services and have at least ten (10) years' experience with major public employee retirement systems and designation as a Fellow in the Society of Actuaries.
.40			<b>B) Ability to perform services.</b> Ability to perform services as reflected by technical training and education, general experience, specific experience in providing required services and the qualifications and abilities of personnel assigned to perform services.
.20			<b>C) Record of past performance.</b> A listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken, as specified in the RFP with contact names and contact information.
.10			<b>D) Organizational structure.</b> Must demonstrate that its organizational structure is capable of performing the services under this RFP; Demonstrate that the personnel, equipment and facilities to perform the services currently available or demonstrates to be made available at the time of contracting.
TOTAL			

Maximum cumulative relative weighted points: \_\_\_\_\_

Evaluator's cumulative relative weighted points: \_\_\_\_\_

## **Appendix A**

### Fee Proposal

DOA will be evaluating fee proposals for the project based services. DOA preference is to pay for on a fixed fee basis

Please give hourly rates of compensation and estimated hours for each anticipated project or task for the purpose of illustrating how the annual fee was determined. Include a listing of hourly rates for members of the firm that would be effective \_\_\_\_\_ and be valid for the contract period. There will be no additional reimbursement for travel, communicating costs, computer charges, and other expenses incidental to the contract. The total fee must be all-inclusive, no additional amounts will be allowed.

**Appendix B**

**Minimum Qualifications Requirements and Certification**

Proposers must satisfy each of the following minimum qualifications for this RFP, in order to be given further consideration. Failure to satisfy each of the requirements will result in the immediate rejection of the proposal. Failure to provide complete information will result in the rejection of the proposal. Please circle "YES" OR "NO" where indicated. If evidence is requested, please provide complete documentation.

1. Proposer is an actuarial service registered with the Society of Actuaries. (YES/NO):  
\_\_\_\_\_
  
2. Proposer and its proposed team have all authorizations, permits, licenses and certifications required by federal and state laws and regulations to perform the services specified in this RFP at the time Proposer submits a response to the RFP. (YES/NO):  
\_\_\_\_\_
  
3. Proposer agrees to provide the services as detailed in the Specific Services Requested from the Actuarial Consultant section of this RFP and any other requirements as stated in this RFP. (YES/NO): \_\_\_\_\_
  
4. As of March 30, 2016, the primary contact dedicated to the DOA contract must have at least five (10) years' experience in providing consulting services to institutional fund clients. (YES/NO): \_\_\_\_\_ If yes, please provide evidence.

PLEASE CERTIFY THE PROPOSER'S SATISFACTION OF THE MINIMUM QUALIFICATIONS BY PROVIDING THE PROPOSER'S AUTHORIZED SIGNATURE BELOW:

*Authorized Signer Name:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*Respondent Firm:* \_\_\_\_\_

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

### **Appendix C. Biographics**

Please include biographies for all consultants listed in your proposal. Indicate what your each consultant joined your firm and describe his or her position, current responsibilities, areas of expertise, experience, education, professional designations and memberships, and relevant publications and presentations.

### **Appendix D. Annual Financial Report**

Please attach your firm's current Annual Financial Report.

### **Appendix E. Sample Contract or Agreement**

Please attach a sample contract or agreement your firm uses for actuarial services.

### **Appendix F. Other Information ( 2 page maximum)**

Please provide a sample actuarial valuation report.

Please describe areas or processes, not included in the scope of this engagement that your firm may examine in order to provide more complete and thorough services.

Provide any additional information that you believe to be relevant to the RFP and your capability to provide the services requested.