

29 GAR PUBLIC WORKS
CH. 1 DIRECTOR OF PUBLIC WORKS

CHAPTER 1
DIRECTOR OF PUBLIC WORKS

Article 1	Public Works Policies, Procedures and Regulations
Article 2	Street Addresses (No rules filed)
Article 3	Building Law Regulations
Article 4	[Vacant] (Formerly Contractors License Board) [Repealed – <i>See</i> 25 GAR, Chapter 12]
Article 5	[Vacant] (Formerly Guam Mass Transit Authority Routes, Schedule and Fares)

ARTICLE 1
PUBLIC WORKS POLICIES, PROCEDURES AND REGULATIONS

NOTE: Rule-making authority cited for formulation of Public Works policies, procedures and regulations by the Director of Public Works, 5 GCA Chapter 50.

The Public Works policies, procedures and regulations are reprinted here in form as exact as possible to those filed on December 23, 1975 with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Director of the Department of Public Works.

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- § 1164. Same: Same: Cost Estimates.
- § 1165. Same: Bid Advertisement.
- § 1166. Same: Same: Bid Period.
- § 1167. Same: Same: Publication of Invitation to Bid.
- § 1168. Same: Same: Format and Contents of the Invitation to Bid.
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- § 1175. Same: Same: Irregular Bids.
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- § 1178. Same: Same: Withdrawal of Bids.
- § 1179. Same: Same: Combination or Conditional Bids.
- § 1180. Same: Public Opening of Bids.
- § 1181. Same: Disqualification of Bidders.
- § 1182. Same: Material Guarantee.
- § 1183. Same: Revisions, Additions to or Alternations to § 1160 *Et. Seq.* to Conform to Federal Regulations.

2026 NOTE: The following Appendix C and Plates 1-10 were not published in the 1997 print publication of the GAR. They are reproduced below from the 1981 print publication of the GAR. Appendices A, B and Plates 1, 2 were not published in the 1981 GAR.

- Appendix A [Not attached]
- Appendix B [Not attached]
- Appendix C Suggested Guidelines for Interviewing Consultant and Evaluating Consultant Proposals

- Plate 1 [Not attached]
- Plate 2 [Not attached]
- Plate 3 Capital Improvement Project Pre-Implementation Activities
- Plate 4 Pre-Implementation Activities for Project Created by Work Request
- Plate 5 Project Identification Code References – Department of Public Works
- Plate 6 Code References – Highway Projects
- Plate 7 Schedule A – Project Cost Breakdown
- Plate 8 Selection Process for Planning, Surveying, Architectural or Engineering Consultants
- Plate 9 Memorandum
- Plate 10 Standard Departmental Contract Document CD-1 (Agreement Between Government and Architect/Engineer)

§ 1101. Public Works Policies, Procedures and Regulations.

Policies and Procedures for the Implementation of Capital Improvement Projects.

§ 1102. Definitions.

The following are definitions of terms and titles used in the body of the procedures. Other terms not defined should be self-explanatory:

(a) “CIP” stands for Capital Improvement Project and is defined as construction of new public facilities, or projects which improves by construction of extensions, additions, utilities or other systems, any existing public facility.

CIPs do not apply to projects classified as normal maintenance of existing public facilities.

(b) “Chief” shall be either the Chief of Administration, Operations or Engineering of the Department of Public Works. In the processing of projects, “Chief” is that person who has functional responsibility for the program which the particular project falls under. For example, the Chief of Operations retains responsibility for processing Transportation Maintenance related projects. Should a clarification be needed to determine the Chief responsible for a particular project, the Director of

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Public Works shall issue such a clarification. The attached organizational charge shall be used for guidance and reference.

(c) “Director” shall mean the Director of Public Works.

(d) “Implementing Division” shall be that division who has responsibility for that program the project falls under. Should a clarification be needed to identify Implementing Division, the appropriate Chief will issue such a clarification.

(e) “Scope of Work” shall be a document approved by the Director and satisfactory to the Using Agency which sets forth those items of work which must be accomplished for any project.

(f) “Using Agency” means that agency responsible for maintaining and operating a completed project.

(g) “Work Request” means a standard form used to officially create a project and to transfer responsibilities for the proper use of project funds.

§ 1103. Project Initiation: Policy - Project Initiation.

(a) Work on capital improvement projects shall be initiated only upon the approval of the Chief of Engineering.

(b) Only capital improvement projects with adequate funds to accomplish the intent and scope of each project shall be undertaken by the Department of Public Works. Funds shall be authorized for use either through an appropriation, subsequently followed by an adequate allotment advice, or through a certified work request from another government agency.

(c) Projects shall be properly assigned, identified, scheduled and records thereof shall be properly maintained by each responsible Division in accord with approved filing methods and procedures.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1104. Same: Application.

The provisions of §§ 1103 through 1112, shall apply to all capital improvement projects under the purview of the Department, or more specifically, those projects assigned to any Engineering or Operations Division of this Department.

§ 1105. Same: Creation and Preliminary Processing of Projects.

There are essentially two (2) methods by which projects are created:

(a) Public Law. A project may be created through the enactment of a public law requiring joint action by the Legislative and Executive Branches of the Government. For the purposes of policies and procedures the creation of a project begins upon enactment of a law authorizing the design and/or construction of a public facility.

Plate 3 outlines the pre-implementation activities and notification procedures for projects created in this manner. Such projects are normally termed CAPITAL IMPROVEMENT PROJECTS.

(b) Work Request. Projects may be created when an official request for work is made to the Department of Public Works by a government of Guam agency. Such a project may have been authorized by public law, or may be authorized for implementation through the operating budget of the using agency. All requests must be made on latest standard government of Guam work requests forms (sample attached). Projects of this nature are termed PROJECTS BY WORK REQUEST.

Plate 4 outlines the notification procedures for projects initiated by Work Request.

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2026 NOTE: Plate 3 (Capital Improvement Project Pre-Implementation Activities) and Plate 4 (Pre-Implementation Activities for Project Created by Work Request) are appended to this Chapter.

§ 1106. Same: Designation of the Using Agency.

If there is no clear distinction regarding the role of the Using Agency, the Director of Public Works shall define, designate and inform the specific government of Guam agency who will assume this role on each specific project.

§ 1107. Same: Project Assignment.

After the Department of Public Works has been properly notified of the creation of a project, the implementing division shall be responsible for assigning a project manager to manage all aspects of the project. Project assignments shall be made by the Chief Project Engineer for design upon the concurrence of the Principal Engineer.

§ 1108. Same: Project Identification and Numbering Procedures: Capital Improvement Projects (Except Highways).

The project identification and numbering code will have twelve (12) characters:

(a) Project Category. The first two (2) characters will indicate the Project Category:

Example:

140 Sewage Treatment Plant	
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Plate 5 establishes the project categories and appropriate code reference numbers (with the exception of Highway Projects).

(b) Project Phasing. The fourth character will indicate whether a project is under planning and design or construction. “0” for Planning and Design, “1” for Completed Design, “2” (unassigned), “3” for Collateral Equipment, “4” (unassigned), “5” (under construction), “6” Completed Construction, “7” Service Contracts, “8” Completed Service Contracts, “9” (unassigned).

Example:

140 Sewage Treatment Plant	-	0 Under Design	
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(c) Project Numbers. The next four (4) digits will indicate the project number.

Active projects (except Highway Projects) will be assigned consecutive numbers from 1001.

Past projects completed before FY74 will be assigned numbers up to 1000 for record purposes.

Example:

140	-	0	-	1007	
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Sewage Treatment Plant	Under Design	Project Number	
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(d) Project Funding Sources. The 9th character will be either “F” - Federal Funds involved and “L” - Local Funds only.

Example:

140	-	0	-	1007	-	<u>F</u>	
Sewage Treatment Plant		Under Design		Project Number		Federal Funds Involved	

(e) Project Location. The last three (3) characters symbolized by letters will indicate project location, specifically by municipality or island wide.

Code Reference	—	Location
Code		Municipality
AGN		Agana
AGH		Agana Heights
AGT		Agat
ASN		Asan
BAR		Barrigada
CPO		Chalan Pago-Ordot
DED		Dededo
INR		Inarajan
MAN		Mangilao
MER		Merizo
MTM		Mongmong-Toto-Maite
PIT		Piti
STR		Santa Rita
SIN		Sinajana
TAL		Talofofo
TAM		Tamuning
UMA		Umatac
YGO		Yigo
YNA		Yona

*The TER designation will be used if a project transcends the boundaries of a municipality, or if a project cannot be logically classified under a municipality.

Example:

140	-	0	-	1007	-	F	-	<u>AGN</u>

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Sewage Treatment Plant	Under Design	Project Number	Federal Funds Involved	Project Location is Agana
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2026 NOTE: Plate 5 (Project Identification Code References – Department of Public Works) is appended to this Chapter.

§ 1109. Same: Same: Highway Projects.

The highway project identification and numbering code will have twelve (12) characters:

(a) Project Category. The first three (3) characters will indicate the road, intersection or bridge designation. Digits will indicate the Route Number. Letters will indicate local village streets, collector roads, bridges.

For example:

Digits	Primary and Secondary Roads	Letters	
001	Route 1	VST	Local Village Street
002	Route 2	COL	Collector Road
003	Route 3	BRG	Bridges
10A	Route 10A	INT	Intersections
02A	Route 2A		

Plate 6 establishes the project categories and appropriate code.

(b) Project Phasing. The 4th character will indicate whether a Highway Project is under design or construction. “0” for Design, “5” for Construction.

For example:

001	-	<u>0</u>	
Route 1		Under Design	

or

VST	-	<u>5</u>	
Village Street		Under Construction	

(c) Project Number. The 5th, 6th and 7th and 8th characters will signify the unique project number.

For example:

002	-	5	-	<u>0001</u>	
Route 2		Under Construction		Project Number	

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(d) Project Funding Source. The 9th character will indicate whether there is federal participation in a project or whether a project is financed entirely by local funds.

For example:

002	-	5	-	0003	-	F	
Route 2		Under Construction		Project Number		Federally Assisted	

(e) Location. The 10th, 11th and 12th characters will signify the municipality where the project is located. If a project transcends the boundaries of a municipality, the designation will be TER.

Code Reference	Location
AGN	Agana
AGH	Agana Heights
AGT	Agat
ASN	Asan
BAR	Barrigada
CPO	Chalan Pago-Ordot
DED	Dededo
INR	Inarajan
MAN	Mangilao
MER	Merizo
MTM	Mongmong-Toto-Maite
PIT	Piti
STR	Santa Rita
SIN	Sinajana
TAL	Talofofo
TAM	Tamuning
UMA	Umatac
YGO	Yigo
YNA	Yona
 TER	 Islandwide or Government

Examples:

001	-	5	-	0001	-	F	-	<u>TAM</u>
Route 1		Under Construction		Project Number		Federally Assisted		Tamuning

002	-	5	-	0001	-	F	-	<u>TER</u>
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 Route 2	 Under Construction	 Project Number	 Federally Assisted	
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BRG Bridge	-	5 Under Construction	-	0001 Project Number	-	F Federally Assisted	-	<u>CPO</u> Chalan Pago- Ordot
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VST Village	-	0 Under Design	-	0002 Project Number	-	L Local Funding	-	<u>STR</u> Santa Rita
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2026 NOTE: Plate 6 (Code References – Highway Projects) is appended to this Chapter.

§ 1110. Same: Same: Implementation Responsibility.

The Principal Engineer of the Implementing Division shall assure that all projects are numbered properly.

§ 1111. Same: Project Filing Procedures. General.

All project files must be created and maintained in accordance with the following format and procedures.

There shall be one project file with two (2) basic divisions which must be initiated and maintained separately:

DIVISION ONE - PLANNING AND DESIGN PHASE

DIVISION TWO - BID AND CONSTRUCTION PHASE

(a) DIVISION ONE - PLANNING AND DESIGN PHASE. There shall be two (2) file categories under this phase as follows:

Category I - ADMINISTRATION

Category II - PLANNING, DESIGN AND PRODUCTION

Category I - ADMINISTRATION. Files shall be set up under two (2) separate file headings. These files shall contain all project information and documents selected to this category in chronological order.

File A -

- (1) Certified Work Request/Public Law
- (2) Project Cost Breakdown (Schedule A)
- (3) Project Implementation Program (Scheduling)
- (4) Consultant Selections

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- (5) Negotiations
- (6) Consultant Contracts and Scope of Services
- (7) Invoices and Payments
- (8) Bid Documents and Analysis (if redesign be- comes necessary)

File B -

- (1) General Correspondence
- (2) Administrative Meetings
- (3) Status Reports

Category II - PLANNING, DESIGN AND PRODUCTION FILES shall be set up under three (3) separate file headings. These files shall contain all project information and documents related to this agency in chronological order:

File A -

- (1) Approvals
- (2) Correspondence and Meetings with Consultants

File B -

- (1) Project Surveys (topo and boundary or ROW)
- (2) Soils and Site Investigations
- (3) Facilities Program
- (4) Schematics (or Preliminary Alignment)
- (5) Design Development (or Final Alignments)

File C -

- (1) Construction Documents (Final)
- (2) Specifications (Final)
- (3) Cost Estimates (Final)

(b) DIVISION TWO - BID AND CONSTRUCTION PHASE. There shall be two (2) file categories under this phase as follows:

Category I – ADMINISTRATION

Category II - CONSTRUCTION

Category I - ADMINISTRATION files shall be set up under three (3) separate file headings. These files shall contain all project information and documents related to this category in chronological order.

File A -

- (1) Public Law or Certified Work Request
- (2) Project Probable Construction Cost Break- down (Schedule A)
- (3) Construction Program

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File B -

- (1) General Correspondence
- (2) Administrative Meetings

File C - Bid and Contract

- (1) Bid Advertisement
- (2) Prebid Conference
- (3) Bid Addenda
- (4) Bid Tabulation (results of Bid Opening)
- (5) Bid Bonds
- (6) Bid Analyses
- (7) Negotiations (if appropriate)
- (8) Intent of Award
- (9) Contract (with Performance and Payment Bonds)
- (10) Change Orders
- (11) Contract Termination (BOD or Final Inspections and Release of Claims)
- (12) Warranty

Category II - CONSTRUCTION files shall be set up under four (4) separate file headings. These files shall contain all project information and documents related to this category.

File A -

- (1) Arrangements for Preconstruction Conference
- (2) Notice to Proceed
- (3) Schedule of Values
- (4) Construction Progress Chart
- (5) Payment Estimates

File B -

- (1) Submittal (shop drawings, operating manuals, samples, etc.)

File C - Filed Inspection Reports

File D - Material Testing and Special Reports

§ 1112. Same: Same: Implementation Responsibility.

The Project Manager shall assure that all necessary documents are executed and filed properly.

§ 1113. Project Planning: Policy - Planning.

All capital improvement projects must be subjected to proper planning processes to assure that the following project requirements are fully and properly addressed, evaluated and resolved:

- (a) Function and compatibility with an established facilities plan

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- (b) Concept and size
- (c) Location
- (d) Financing
- (e) Infrastructure requirements

As far as practicable and feasible, all planning activities shall be performed in-house unless the Director or Chief of Engineering determines that expertise is not available in the Department or that current workload requires outside help.

All critical planning activities and decisions shall be documented, circulated for information, if appropriate and filed properly by the responsible Division.

§ 1114. Same: Application.

The provisions of §§ 1103 through 1114 shall apply to all capital improvement projects under the purview of the Department or more specifically, those projects assigned to any Engineering or Operations division of this Department.

§ 1115. Same: Project Planning Procedures.

The following are procedures governing the planning of all projects. Planning shall be defined as any activity which precedes the actual production of construction plans and specifications. Planning activities include but are not limited to the following:

- (a) Needs Surveys
- (b) Facilities Programming
- (c) Topographic and Boundary Surveys
- (d) Site Investigation and Soil Studies
- (e) Financing Studies
- (f) Schematics and Preliminary Alignments
- (g) Design Concept Development
- (h) Preparation of Design Scope of Work.

§ 1116. Same: Determination.

(a) The Chief of Engineering shall determine whether planning, wholly or in part, can best be accomplished in-house, or whether the nature and magnitude of the project is such that consultant services are required.

(b) Should planning by consultant be appropriate, procurement and administration of consultant services must be in accord with policies and procedures set forth in §§ 1125 through 1144.

§ 1117. Same: Planning.

Whether planning is done wholly, or in part in-house, or by consultant, the Project Manager must assure that the following are accomplished:

- (a) The Using Agency parameters that contribute of the project program and design are established;

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(b) The project site, existing rights-of-way and easements (whichever is applicable) are investigated and documented;

(c) The impact of the proposed project on the environment is carefully evaluated, assessed and plans developed to minimize potential damage;

(d) Project infrastructure needs are investigated, determined and documented;

(e) Proposed access and source of utilities are identified and programmed;

(f) Basic design parameters in accord with the various building and fire codes are established;

(g) All project costs are identified and documented;

(h) Facilities program and plan, if required, are developed;

(i) All other special requirements and procedures (such as FHWA PPM's or federal regulations required in Federal-Aid Projects) are strictly followed and documented when and where appropriate.

All critical planning decisions shall be documented and distributed to appropriate agencies.

§ 1118. Same: Public and Special Interest Group Participation in Project Planning Activities.

The Principal Engineer shall determine if a project has sufficient impact on environment, the public, a community or a special interest group to warrant a public or special meeting.

If a meeting is necessary or desirable, the Project Manager shall make appropriate arrangements which include such activities:

(a) Preparing sufficient material or information to be disseminated at the meeting;

(b) Issuing a public notice indicating the time and place of the meeting;

(c) Chairing and conducting the meeting;

(d) Coordinations, presentations and testimonies;

(e) Recording minutes or results of the meeting.

APPENDIX B contains a suggested format for disseminating information and conducting public meetings.

2026 NOTE: Appendix B was not published in the 1981 publication of the GAR.

§ 1119. Same: Same: Evaluation of Results.

The Project Manager shall assure that all comments and suggestions made during the meeting are thoroughly evaluated. The Project Manager shall incorporate into the project all feasible and beneficial comments or suggestions before finalizing the project concept.

§ 1120. Same: Preparation of the Design Scope of Work.

Based upon planning results, the Project Manager shall establish the project design concept and detailed design scope of work.

§ 1121. Same: Same: Required Provisions of the Design Scope of Work.

The Project Manager (or Consultant when appropriate) shall prepare a detailed design scope of work which must define and set forth the following provisions:

(a) Intent of the Design Contract

(b) Project Location and Limits

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- (c) Items of Design
- (d) Preparation of Site and Easement Acquisition Documents
- (e) Construction Cost Limitations
- (f) Construction Completion Schedule (including schedules for phased construction)
- (g) Submittal Schedule for Plans, Specifications and Estimates
- (h) Payment Schedule
- (i) Government Review Procedures and Schedule
- (j) Shop Drawings Review (if applicable)
- (k) Reproduction Services (if applicable)
- (l) Relations with Other Government Agencies
- (m) Professional Responsibilities of the Engineer and Required Certification of Project Supervision
- (n) Design References (such as UBC, National Fire Code, PUAG Standards for Sewer Construction, AASHO)
- (o) As-Built Drawings.

§ 1122. Same: Same: Approval of the Scope of Work.

The Project Manager shall assure that:

- (a) The Scope is satisfactory to the Director or authorized representative of the Using Agency and to a participating federal agency, if appropriate.
- (b) The Scope must then be submitted to the Director for approval, preferably before initiation of contract negotiations, but absolutely prior to completion of such negotiations.

§ 1123. Same: Identification of Preliminary Project Costs.

The Project Manager shall prepare (on Schedule A as shown in Plate 7) a Project Budget which must program the probable costs for the following:

- (a) Planning and Design
- (b) Contract Administration
- (c) Real Estate Acquisition (if applicable)
- (d) Construction and Contingencies
- (e) Material Testing

The Project Budget Document shall be filed with the Division of Fiscal Administration, via the Chief of Administration for fiscal control purposes.

Since this document is subject to change, the Project Manager shall assure that appropriate changes and corrections are made as the need arises.

2026 NOTE: Plate 7 (Schedule A – Project Cost Breakdown) is appended to this Chapter.

§ 1124. Same: Filing of Project Management Documents.

The Project Manager shall assure that all official actions related to project planning are documented and filed in accordance with §§ 1111 and 1112.

§ 1125. Procurement of Consultant Services: Policy.

(a) Only professionally qualified, experienced and reputable consultant firms shall be engaged to provide project planning and/or design services. Negotiations shall be carried out, contracts executed and administered in accordance with approved procedures.

(b) Project and design will be performed inhouse to the extent feasible. Consultants shall be utilized only when particular expertise is required which is not available within the Department, or when current workloads require temporary outside help.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1126. Same: Application.

The provisions of §§ 1125 through 1144 apply to all activities involved with procurement of consultant contracts for planning or engineering services.

§ 1127. Same: Professional Consultant Files.

The Chief of Engineering shall be responsible for creating, maintaining and updating the files of all planning, surveying, architectural and engineering consultants who are qualified to provide the Government with professional services in their respective fields of expertise. These files shall serve as the basic reference from which consultants will be selected for government projects.

To be included in these files the following criteria must be fulfilled as a minimum:

(a) The consultant must have expressed, in writing, a desire to provide their services to the Government or have accomplished satisfactory work for the Government in past projects.

(b) The consultant must have filed with the Department of Public Works a detailed resume of qualifications, including:

- (1) Firm name, address and telephone numbers.
- (2) Year established and other firm names used.
- (3) Types of services for which it is qualified.
- (4) Names of principals of the firm and States or Territories in which they are registered.
- (5) Names of key personnel with experience of such and length of time with the firm.
- (6) Outside consultants and associates usually retained.
- (7) List of completed projects on which the firm was principal engineer.
- (8) Current projects underway and estimated total cost of each.
- (9) Data-gathering methods usually used.
- (10) Evaluation techniques usually used.

(c) Must be either recognized and licensed (or capable of being licensed) by the Guam Board of Registration for Architects, Engineers and Land Surveyors and other appropriate government licensing agencies.

2026 NOTE: Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

§ 1128. Same: Procedures for Selection of Consultants.

The following procedures shall govern the selection of consultants for government projects.

§ 1129. Same: Same: Board of Review Authority and Responsibilities.

(a) Membership. The Board of Review is a committee convened and chaired by the Principal Engineer of the Implementing Division and consists of the following members:

- (1) Chief of Engineering
- (2) Principal Engineer
- (3) Chief Project Manager
- (4) Project Manager
- (5) Using Agency Representative (optional)
- (6) DPW Staff Members (optional)*

*The DPW staff member shall be appointed by the Chief of Engineering. The appointee shall be either a DPW Division Manager or the Chief of Operations or Administration.

The Director of Public Works may observe the activities of the Board, but is not a member.

(b) Authority and Responsibilities. The primary functions of the Board are as follows:

- (1) Prepare and evaluate a list of qualified consultants.
- (2) Establish the top three (3) consultant firms, in order of preference in accordance with the selection procedures.
- (3) Present list of the top three (3) firms (in order of preference) to the Director for final selection.
- (4) Conduct interviews of consultants during the selection process.
- (5) Make special recommendations, if needed, or desired to aid the Director in making his final selection.

(c) Board Meetings Code of Conduct. The following shall govern the conduct of all Board meetings:

- (1) The Board shall not act without a quorum of four (4) members.
- (2) The Board shall be chaired by the Principal Engineer of the Implementing Division.
- (3) Minutes of meetings shall be recorded by the Project Manager.
- (4) Each member of the Board shall be given a reasonable amount of time to make appropriate comments while meetings are in progress.
- (5) Each member of the Board shall act in a professional manner at all times, both during and after meetings.

The Board may adopt additional rules of conduct as it sees fit for efficient and proper execution of its responsibilities.

The Principal Engineer shall assure that all selection procedures are strictly followed and that all consultants are evaluated fairly and thoroughly

§ 1130. Same: Same: Slate Selection (or Pre-selection of Consultants).

The Principal Engineer shall convene a Board of Review to prepare and evaluate a slate of qualified consultants based upon the following criteria:

- (a) Specialized experience in the type of work required;
- (b) Past performance of the firm in accomplishing work on government projects in the required time;
- (c) Quality of work previously performed by the firm for the Government;
- (d) On-island capability to perform the required work;
- (e) Evidence of any attempt to avoid responsibility for evident design failures;
- (f) Recent experience showing accuracy of cost estimates;
- (g) Consultant-client relations including evidence of sensitivity and response to design review comments and initiative to incorporate such comments;
- (h) Using Agency relations, including evidence of sensitivity to Using Agency concerns.

Should the Board desire that certain firms or all firms on the slate be interviewed to assure proper evaluation of qualifications, interviews shall be arranged by the Project Manager and conducted in the presence of the Board. The Board may vote to narrow the slate to a workable list of consultants before such interviews are conducted.

Furthermore, there may be unique planning, engineering or architectural projects where it would be desirable to request for proposals to assist in the selection process. The proposal must, in general, describe how the consultant proposes to carry out the tasks involved in a particular project.

APPENDIX C contains suggested guidelines for interviewing consultants and requesting for and evaluating consultant proposals.

2026 NOTE: Appendix C (Suggested Guidelines for Interviewing Consultant and Evaluating Consultant Proposals) is appended to this Chapter.

§ 1131. Same: Same: Final Selection of Consultants.

The following shall govern the final selection of consultants:

- (a) The slate must be narrowed to three (3) firms in order of preference. (The standard selection work sheet with rating instructions illustrated by Plate 8 shall be used.) If special recommendations to the Director are formulated, they shall be presented at this time.
- (b) The Principal Engineer shall recommend the Board's preferential selection to the Director (standard transmittal format shown by Plate 9 shall be used) including such written recommendations as the Board sees fit to make.
- (c) The Director shall have the prerogative of making the final selection from the three (3) recommended consultants.
- (d) The Director shall make the selection and return the transmittal to the Principal Engineer for appropriate action.

2026 NOTE: Plate 8 (Selection Process for Planning, Surveying, Architectural or Engineering Consultants) and Plate 9 (Memorandum) are appended to this Chapter.

§ 1132. Same: Procedures for Conduct of Negotiations.

The following procedures shall govern the conduct of negotiations with selected consultants.

§ 1133. Same: Same: Negotiating Committee Authority and Responsibilities.

(a) The negotiating committee is normally composed of the Principal Engineer and the Project Manager.

(b) The size and specific membership of the committee may be increased should the Principal Engineer decide that such action is warranted. For projects of significant magnitude, the Principal Engineer shall request the Chief of Engineering to participate. He may also invite others to participate, provided such invitees are employees of the Department. In no case shall another consultant be allowed to participate in the negotiations.

(c) The Principal Engineer may invite people from outside the Department, such as a representative of the Using Agency, to observe the conduct of negotiations if such an action is desirable and within the bounds of the professional code of ethics.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1134. Same: Same: Scope of Services.

The design Scope of Work developed in accordance with §§ 1120 through 1122 of this Article [Manual] shall be used as the preliminary scope of services. During negotiations the contract scope of services shall be finalized between the consultant and the Department.

§ 1135. Same: Same: Independent Cost Estimate.

Before the selected consultant is notified, the Project Manager shall prepare an independent cost estimate of the work (*see* § 1123 of this Article [Manual]). This estimate will then be used as the basis of a mutually agreeable fee.

§ 1136. Same: Same: Notification and Preparation for Negotiations.

(a) The Principal Engineer shall inform the consultant of the selection in writing. He shall then arrange and conduct a conference with the consultant to explain the scope of services, departmental project management procedures, contract provisions and other project requirements.

(b) The consultant shall be requested to submit a proposal, in writing, within a reasonable period such proposal must contain a detailed breakdown of time, material, overhead and other applicable costs. The Principal Engineer (with guidance from the Chief of Engineering) shall determine the format of the proposal.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1137. Same: Same: Proposal, Review and Conduct of Negotiations.

(a) The Principal Engineer and his staff shall review the proposal to determine whether the scope of services was understood; the desired format followed; and if the fee as detailed is fair, reasonable and within budgetary constraints.

(b) The negotiation committee shall evaluate each facet of the consultant's proposal such as man hours of design, production time and material rates, etc.

(c) If required by the Federal participating agency or otherwise deemed necessary by the negotiating committee, a request for an audit evaluation shall be initiated. The purpose of the audit evaluation is to provide basic data needed to determine the propriety of the proposed amounts.

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If the consultant refuses to provide the information for the audit evaluation, the committee may terminate the negotiations.

The Principal Engineer shall coordinate the conduct of the audit evaluation with agencies capable of performing the evaluation. If the results of the evaluation confirm the fee proposal is reasonable, negotiations will proceed. If the evaluation indicates charges significantly different than normal, the consultant shall be required to revise the fee proposal or negotiations will be terminated.

(d) If all conditions are satisfactory, the Project Manager shall initiate a formal contract with the consultant using the standard departmental consultant contract format.

(e) If the fee as presented and reviewed is determined to be excessive, it shall be rigorously negotiated by the negotiation committee.

(f) If an agreement cannot be reached, negotiations shall terminate and the second consultant preference will be entertained. Procedures in §§ 1128 and 1137 will be repeated once again.

(g) If an agreement is reached, the Principal Engineer shall initiate a formal contract with the consultant using the standard departmental consultant contract format (CD-1).

The Principal Engineer and Project Manager shall assure that the results of all crucial negotiation activities and final negotiated fee agreements are well documented and filed properly.

Any deviations from standard contract format procedures must have the approval of the Chief of Engineers.

§ 1138. Same: Contract Award and Notice to Proceed.

(a) Low Value Consultant Contract.

(1) If the negotiated contract fee is equal to or less than Ten Thousand Dollars (\$10,000.00), the contract may be processed as a Low Value Contract that is, the contract may be approved by the Director of Public Works.

(2) After obtaining the Director's signature, the Principal Engineer shall transmit the approved contract, in writing, to the consultant and notify them of the effective date when work must begin and when work must be completed. Appropriate copies of the contract shall also be transmitted to the Department of Administration (Central Accounting) and other involved agencies.

(b) Consultant Contract Whose Value is in Excess of Ten Thousand Dollars (\$10,000.00).

(1) If the negotiated contract fee is in excess of Ten Thousand Dollars (\$10,000.00) the contract document and scope of services shall be forwarded to I Maga'hāga/Maga'lāhi via the Attorney General's Office for approval. The contract shall be accompanied by a transmittal letter briefly explaining the intent of the contract and level of priority of the project.

(2) The Principal Engineer shall expedite the routing of the contract documents on all priority projects.

(3) After the contract has been signed by I Maga'hāga/Maga'lāhi and returned to Public Works, the Principal Engineer shall transmit the approved contract, in writing, to the consultant and notify them of the effective date when work must begin and when work must be completed.

(4) Appropriate copies of the contract shall also be transmitted to the Department of Administration (Central Accounting) and other involved agencies.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606. Reference to the "Governor" replaced with I Maga'hāga/Maga'lāhi pursuant to 5 GCA § 1510.

§ 1139. Same: Amendments to Professional Consultant Contracts.

Amendments may be made to professional consultant contracts for the following reasons:

- (a) Increase the scope of work and corresponding increase in contract amount.
- (b) Decrease the scope of work and corresponding decrease in contract amount.

In no case shall an amendment to an existing contract be executed for consultant services not directly related to the intent of the original contract.

§ 1140. Same: Same: Format.

Amendments shall be executed on the standard departmental format (CD-2).

§ 1141. Same: Same: Notification, Negotiation and Award.

(a) Notification, negotiation and award of amendments shall be generally in accord with procedures set forth in §§ 1131 to 1138 as modified to suit the purpose.

(b) The Director may approve amendments whose total value does not exceed ten percent (10%) of the original contract amount. However, all amendments whose total value exceed ten percent (10%) of the original contract amount shall be routed to I Māga'hāga/Māga'lāhi via the Attorney General for approval.

(c) Appropriate copies of all executed amendments shall also be transmitted to the Department of Administration and other involved agencies.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606. Reference to the "Governor" replaced with I Māga'hāga/Māga'lāhi pursuant to 5 GCA § 1510.

§ 1142. Same: Contract Provisions and Administration: Provisions of Contract.

The formal contract shall be executed on the Standard Departmental Contract Document CD-1 (Plate 10). The provisions of CD-1 are hereby adopted for official. There shall be no deviations from these provisions unless requested from and approved by the Chief of Engineering.

2026 NOTE: The Standard Departmental Contract Document CD-1 (Agreement Between Government and Architect/Engineer) is appended to this Chapter.

§ 1143. Same: Same: Administration.

The Project Manager shall be responsible for assuring compliance with all contract provisions, scope of work and schedule as set forth in CD-1 and §§ 1145 through 1153. The Project Manager shall immediately notify his Principal Engineer of any acts by the consultant not in compliance with the contract and steps immediately undertaken to resolve them.

§ 1144. Same: Same: References on Public Contract Practices.

The Code of Federal Regulations, Subtitle A, Chapters 1 and 2 are hereby adopted as official references on contracting and contract administration practices. A copy of these regulations shall be retained by the Chief of Engineering and is available for use by any Project Manager. These regulations may be used as a basis for formulating decisions on various contract matters as appropriate.

§ 1145. Project Design: Policy.

(a) The design of capital improvement projects shall be undertaken only after proper planning has been accomplished as set forth in § 1113 through 1124 of the Article [Manual].

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(b) The design of capital improvement projects shall assure at all times that subsequent construction of the project fulfills the intent of the law which created the project, is satisfactory to the Using Agency, complies with applicable construction codes, and is done with simplicity and economy.

(c) As far as practicable and feasible, all design activities shall be performed inhouse unless the Director or Chief of Engineering determines that expertise is not available in the Department or that current workload requires outside help.

(d) All critical design activities and decisions shall be documented, circulated for information, if appropriate, and filed properly by the responsible Division.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1146. Same: Application.

The provisions of §§ 1145 through 1153 shall apply to all capital improvement projects under the purview of the Department or, more specifically, those projects assigned to any Engineering or Operations divisions of this Department.

§ 1147. Same: Project Design Procedures.

The following are procedures governing the design of all projects. Design shall be defined as the actual development of complete construction plans, specifications and detailed cost estimates in accordance with an approved scope of work. Design activities include, but are not necessarily limited to the following:

- (a) Development of Working Drawings.
- (b) Delineating of Final Alignments.
- (c) Preparation of Final Construction Specifications.
- (d) Preparation of Final Construction Cost Estimates.
- (e) Securing Approvals from Appropriate Government Agencies.
- (f) Preparation and Finalization of Utility Agreements.
- (g) Request for and Securing Approvals of Plans, Specifications and Estimates (PS&E).
- (h) Securing Approvals and Authority to Advertise for Bids from Appropriate Regulatory or Federal Agencies.

§ 1148. Same: Determination.

(a) The Chief of Engineering shall determine whether design of a project, whole or in part can best be accomplished in-house, or whether the nature and magnitude of the project or current workload is such that consultant services are required.

(b) Should design by consultant be appropriate, procurement of consultant services must be in accord with policies and procedures set forth in §§ 1125 through 1144 of this Article [Manual].

§ 1149. Same: Design.

Whether design is accomplished wholly, or in part, in house or by consultant, the Project Manager shall assure that the following are accomplished:

- (a) Design is in accordance with the approved design scope of work and in conformance with all applicable codes.
- (b) Design activities are programmed and scheduled.

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(c) Design of utilities and access, including all necessary offsite work are accomplished and incorporated into the final construction plans, specifications and cost estimates.

(d) Necessary site, ROW and easement acquisition are programmed and accomplished prior to bid advertisement.

(e) Utility Agreement, if necessary, are properly initiated and executed.

(f) If design is by consultant, all submittal shall be in strict accordance with the design scope of work and contract documents.

(g) The Using Agency is involved in the decision-making process for all critical project design phases.

(h) All other special regulations and procedures (such as FHWA PPM's, EPA construction grant regulations or other regulations required in Federal-Aid project) are strictly followed and documented when and where appropriated.

(i) The design program and schedule is strictly followed unless deviation is justified and approved by the Principal Engineer and the Chief of Engineering.

In cases where design schedules must be modified, the Project Manager, with guidance from the Principal Engineer shall revise the design schedule and corresponding bid and construction schedules.

§ 1150. Same: Design Review and Submittal.

(a) All design work shall be reviewed by the Project Manager, his Chief Project Manager (or team leader) and the Principal Engineer, as a minimum.

(b) If design is by consultant, the Project Manager shall be responsible for the detail review of plans, specifications and cost estimates. Furthermore, the Chief Project Manager shall assure that all categories of design such as electrical, mechanical, architectural and civil are reviewed thoroughly by in-house staff. This activity shall be coordinated with the Principal Engineer. For reviews outside the realm of the implementing division, coordination shall be through the Chief of Engineering and with the Principal Engineers of other divisions.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1151. Same: Same: Design Submittal.

(a) Definition. A submittal is defined as the body of documents prearranged and designated by the approved design scope of work and/or contract for submission to reviewing authorities and staff for the purpose of securing approval or concurrence for a distinct phase of the design of a project.

(b) Submittal Other than Final:

(1) Submittal of design work performed by consultant or in-house staff shall be reviewed by DPW Divisions and/or staff members having the expertise and responsibility for that engineering discipline (or category). Submittal shall also be reviewed by the Using Agency and/or regulatory agencies (such as FHWA, EPA, HEW, etc.) if applicable.

(2) The consultant or in-house staff executing the design shall incorporate all practical and constructive review comments into the final project construction plans and specifications.

(3) All project plans and specifications in the "PREFINAL" stage shall be transmitted for review and information to the Division or Section Manager who has the responsibility for bidding and administering the construction of the project. All practical and constructive review comments shall be incorporated in final plans, specifications and cost estimates. It would be desirable in many cases to

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forward project plans and specifications to the Construction Administrator in design stages much earlier than “PREFINAL.” The Principal Engineer of the implementing division shall use his discretion in soliciting such review comments for project designs which have not reached the prefinal stage.

(c) Final Submittal:

(1) Acceptance of all final project design submittal shall be initiated by the Project Manager who shall assure that all constructive review comments are reflected in the final construction plans, specifications and cost estimates (PS&E).

(2) Final submittal shall be transmitted in writing to the Using Agency and/or regulatory agencies for review and acceptance. The term “SATISFACTORY TO” shall be used to denote official acceptance of the final PS&E by a Using Agency.

§ 1152. Same: Same: Delineation of Review Responsibilities Within the Department of Public Works.

The following defines and delineates each DPW Division’s (or Section if applicable) responsibility and authority for review of project plan and specifications:

Division/(or Section)	Review Category	Authority
A/E Services	Electrical, Mechanical Structural (bldgs) Architectural, Civil (as related only to project site improvements) and General Building Construction	Review and approval
Hydraulics	Any major site grading (except Highway) storm drainage systems, sewer systems, water supply systems, roadside drainage (if extensive)	Review and approval
	Access Roads	Review, approval and permit
	Streets	Concurrence
	Highway Lighting	Concurrence
	Grading adjacent to any highway or public roadway	Review and approval
	Highway Crossings	Review, approval and permit
	Highway Design and Construction Standards	Review and approval
Construction	All Construction Plans	Review, concurrence and administration
Administration	Access Roads	Review and comment
Building Permits, Subdivisions and Inspections	Grading Plans (except Highway)	Permit
	Construction Plans	Permit
Rights-of-Way	Easements Rights-of-Way	Review and action

The Principal Engineer of the Implementing Division shall assure that all project designs are reviewed by the appropriate review authority as indicated. For projects which as a whole, or in part, have a significant impact on the environment, approvals of final construction plans, and specifications from each review

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authority must be documented by interdivision memoranda. A “no objection” notation by a reviewing authority may be interpreted as a de facto approval.

§ 1153. Same: Approval of Construction Plans, Specifications and Cost Estimates.

The following procedures define the necessary approvals which must be obtained for all project plans, specifications and cost estimates:

(a) Acceptance by the Implementing Division.

(1) The Project Manager shall initiate acceptance of the documents by placing his signature and date under the notation “SUPERVISED BY.”

(2) The Principal Engineer shall indicate his acceptance by placing his signature and date under the notation “PRINCIPAL ENGINEER.”

(3) After all acceptance sign offs are completed, the documents shall be forwarded to the Using or Regulatory Agency for acceptance.

(b) Using Agency and/or Regulatory Agency Acceptance.

(1) After acceptance by the Implementing Division has been executed, the plans (specifications and cost estimates also, if necessary) shall be forwarded to the Using or Regulatory Agency for acceptance.

(2) Using Agency acceptance shall be indicated only on the title sheet of the construction plans as noted below:

SATISFACTORY TO: _____
(TITLE OF THE USING AGENCY HEAD)

(3) Regulatory Agency Acceptance shall be in accordance with established procedures. In the case where procedures are unclear or nonexistent, acceptance shall be as defined for Using Agencies.

(4) After these approvals are obtained, the documents shall be forwarded to the Chief of Engineering for his action.

(c) Recommendation for Approval.

(1) The Chief of Engineering shall indicate his acceptance of the construction plans, specifications and cost estimates by placing his signature and date under the notation “RECOMMENDED BY.”

(2) The Chief of Engineering shall then forward the documents to the Director for his approving signature.

(d) Director’s Approval.

(1) The Director of Public Works shall indicate his acceptance and approval of construction plans, specifications and cost estimates by placing his signature on the specific title sheets of the plans, specifications and cost estimates as noted below:

APPROVED BY: _____
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(2) The Director's approval completes the approval process and shall signify a directive to proceed with the Program Implementation Approval phase as set forth in §§ 1154 through 1159 of this Article [Manual].

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1154. Project (Construction) Implementation Program Formulation, Review and Approval: Policy.

Before any project proceeds to the bid or negotiation phase, a construction permit must be acquired and within authorized funding constraints and to assure that funds are released and made available.

§ 1155. Same: Application.

The provisions of §§ 1154 through 1159 apply to all projects which have been authorized for construction either by legislation, or, if appropriate, directly by I Māga'hāga/Māga'lāhi.

2026 NOTE: Reference to the "Governor" replaced with I Māga'hāga/Māga'lāhi pursuant to 5 GCA § 1510.

§ 1156. Same: Permits.

All construction or renovation of government facilities must comply with the following permit procedures and programs:

(a) Building Permits:

(1) Before a notice to proceed to construct is issued, the division who is responsible for administering the construction of the (building) project must apply for and obtain a building permit from the Building Official on behalf of the Using Agency. It would be desirable to have the Building Official review the project plans and specifications during the design phase to eliminate any possible complications when requesting for the permit.

(2) The permit application shall be the Using Agency.

(3) Building permit fees shall be waived for all building projects administered by Public Works.

(4) Building permit fees for projects administered by other government agencies shall not be waived except as determined by the Director.

(5) The Building Official or his authorized representative shall be notified when the building is ready for occupancy and shall participate in any beneficial occupancy inspections (BODs).

(6) Before a government building is occupied an Occupancy Permit must be obtained from the Building Official. The permit shall be issued to the Using Agency.

(b) Permits for Elevators, Dumbwaiters and Escalators:

(1) All elevators, escalators or dumbwaiters in government buildings must have an Operating Permit.

(2) The Building Official shall issue such permits.

(3) The Building Official or his authorized representative shall participate in all final inspections of such vertical transport systems and shall release operating permits when satisfied that they are safe for operation.

(4) The division responsible for administering the project shall apply for and obtain the permit on behalf of the Using Agency. It is desirable to have the Highway Engineering Division

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review all plans and specifications which involve highway crossings during the design phase to eliminate any complications when requesting for the permit.

(5) Operating Permits for these systems must be renewed periodically by the Building Official in accord with applicable codes. The Using Agency must be notified of the responsibility and requirements for permit renewal by the Building Official.

(c) Clearing, Grading and Fencing Permits:

(1) A permit must be obtained from the Building Official for any clearing and grading of land in preparation for construction of any government facility except highways.

(2) The permit shall be applied for and obtained by the division administering the project under the name of the Using Agency.

(3) The Building Official may conduct a periodic inspection of clearing and grading work and is authorized to issue field compliance or stop work orders when such work does not comply with conditions under which the permit was issued or is unsafe.

(4) Permit fees for project administered by Public Works shall be waived.

(5) Permit fees for government projects administered by others may be waived only as determined by the Director.

(6) Fencing permits shall be obtained when appropriate in accord with the preceding procedures.

(d) Highway Crossing Permits:

(1) All construction of government facilities within public rights-of-way must have a Highway Crossing Permit. Permits are required for, but are not necessarily limited to the following:

(A) digging within the ROW;

(B) connection of an access road to the ROW;

(C) opening of driveways onto the ROW (exit or entrance to the ROW);

(D) placing anything temporary or permanent within a ROW such as signs, poles, overhead or underground utilities, etc.

(2) Highway Crossing permits shall be obtained from the Division of Highway Engineering and enforced by the Division of Construction Administration.

(3) THE HIGHWAY CROSSING INSPECTOR SHALL HAVE THE AUTHORITY TO ISSUE FIELD COMPLIANCE OR STOP WORK ORDERS SHOULD CONSTRUCTION WITHIN THE RIGHT-OF-WAY BE UNSAFE OR NOT COMPLY WITH THE CONDITIONS UNDER THE PERMIT WAS ISSUED.

(4) A bond shall not be required as a condition for issuing a Highway Crossing Permit for projects administered by Public Works.

(5) However, an appropriate Bond must be posted as a condition for issuing a Highway Crossing Permit for any other project involving work within a public right-of-way.

(e) Army Corps of Engineers Permits. A permit for all construction work in navigable waters must be obtained from the Army Corps of Engineers. Since the interpretation of “navigable” may

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border on the ridiculous, all Project Managers are responsible for ascertaining whether or not a permit is required by contacting the local Army representative.

§ 1157. Same: Program Approval - Satisfactory Budget.

After resolving the permit requirements, the Project Manager shall determine whether the project can be constructed within the available funds and, if so, proceed with the Bid Phase.

§ 1158. Same: Alternative Procedures - Unsatisfactory Budget.

If the project costs exceeds available funds, the Project Manager shall proceed with one of the following alternatives:

(a) Program an incremental development of the project, such that the first increment can be constructed within available funds and concurrently satisfactory to the Using Agency. The total amount of additional funds required for the implementation of the succeeding increments shall be specified and Using Agency and the Bureau of Budget notified of recommendations in writing; or

(b) Cease all activities and recommend that an official request be submitted for additional funds (the project shall not be implemented without sufficient funds); or

(c) Recommend termination of the project and further recommend suitable alternatives for the proper utilization of remaining funds.

§ 1159. Same: Documentation of Program Approval.

All program alternative activities and policies shall be documented, prepared for the Director's signature and routed to the Director via the Chief of Engineering.

§ 1160. Bid Phase - Procurement of Construction Contracts: Policy - Procurement of Construction Contracts.

Except as otherwise provided in [Section 7] of this [Manual], construction of capital improvement projects shall be accomplished by procuring construction contracts through public solicitation of bids.

2026 NOTE: The 1981 GAR print publication included the bracketed references to "[Section 7] of this [Manual]." Because the Compiler's Office does not have a copy of the "Manual" referenced, the Compiler is unable to determine which provision is "Section 7" in the current publication of the GAR. Consequently, the bracketed references have been retained.

§ 1161. Same: Application.

(a) The provisions of §§ 1160 through 1183 shall apply to all project under the purview of the Department of Public Works.

(b) The following procedures shall guide all Principal Engineers and Project Managers when preparing project plans and specifications for public solicitation of bids.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1162. Same: Same: Preparation of Plans, Specifications and Cost Estimates for Bid.

The Principal Engineer of the Implementing Division shall assure that project plans and specifications are finalized, accepted and approved in accord with §§ 1151 through 1153 of this Article [Manual].

§ 1163. Same: Same: Use of Standard Government, General, Special and Technical Specifications.

(a) General and Special Provisions of all contract specifications, including actual contract documents for construction of all capital improvement projects, except highways, roads and bridges, shall be the most current edition of the STANDARD GOVERNMENT OF GUAM CONSTRUCTION SPECIFICATIONS

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as approved by the Director of Public Works and as APPROVED AS TO FORM by the Attorney General. All technical specifications shall be compatible with the standard specifications and shall be as developed during the design phase of each project.

Should any modifications be necessary to the Standard Specifications to meet Federal requirements, such modifications shall be made under the cognizance of the Principal Engineer of the Implementing Division, recommended by the Chief of Engineering, and shall be approved by the Director of prior to solicitation of bids.

(b) All highway construction contract specifications shall be a modified version of STANDARD SPECIFICATIONS FOR CONSTRUCTION OF ROADS AND BRIDGES ON FEDERAL HIGHWAY PROJECTS, commonly known as FP-69.

(c) Construction of roads in government subdivisions shall be accomplished in accordance with FP-69 as updated and as modified to meet local requirements.

§ 1164. Same: Same: Cost Estimates.

(a) Detailed cost estimates shall be prepared (or, if already prepared, then updated) before bid advertisement using current material, labor and equipment prices. The cost estimates shall be prepared in such a manner as to retain credibility and validity for a period of ninety (90) days.

(b) The updated cost estimate for each project shall constitute the government estimate and shall serve as the basis for a bid analysis once bids have been opened.

(c) The government estimate shall not be made public before or during the bid period.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1165. Same: Bid Advertisement.

The following procedures shall guide the solicitation of bids for construction of capital improvement projects.

§ 1166. Same: Same: Bid Period.

(a) The Bid Period shall mean that period when bids are received, beginning the date when plans and specifications are made available to bidder, and ending the date and time of the bid opening.

(b) The bid period for each project shall reflect the complexity and magnitude of that project.

(c) The Principal Engineer of the Implementing Division shall determine the most practical bid period, which in any case shall not be less than seven (7) calendar days for each project, and solicit bids accordingly.

(d) If the Principal Engineer determines that the bid period for any project should be extended, this may be done through the issuance of an addendum, provided such addendum is issued at least one (1) working day prior to the bid opening and approved by the Chief of Engineering.

(e) If cancellation of bids is appropriate, the Principal Engineer shall prepare a letter for the Director's signature informing all prospective bidders of such cancellation. A cancellation notice shall be published at least once in a periodical of general circulation at least one (1) day prior to the bid opening.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1167. Same: Same: Publication of Invitation to Bid.

(a) An invitation to bid for each project shall be advertised in a newspaper or periodical of general circulation in Guam for not less than three (3) separate days within the bid period.

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(b) The publication of the invitation to bid shall take place during the first three (3) quarters of the bid period.

(c) The invitation does not necessarily have to be published on consecutive days and may be done so on separate days. The Principal Engineer, at his discretion, shall determine the number of days and exact dates for publishing the invitation to bid and proceed accordingly.

(d) The Project Manager shall be responsible for preparing the invitation to bid, processing all documents required to initiate publication, and subsequent filing of the published invitation in the project filed.

The Project Manager shall coordinate the publication process (as set forth in Appendix __) with his Principal Engineer and the Department's Public Information Officer.

2026 NOTE: Reference to the "Territory" replaced with "Guam" pursuant to 1 GCA § 1606. The Appendix number was left blank in past publications of the GAR.

§ 1168. Same: Same: Format and Contents of the Invitation to Bid.

The invitation to bid shall be made as brief and simple as possible but must contain the following information as a minimum:

- (a) Date and exact time when bids will be opened.
- (b) Location of the bid opening event.
- (c) Date when and place where plans and specifications will be made available to prospective bidders.
- (d) Project name and number.
- (e) Brief description of the project.
- (f) Any Using Agency or Federal requirements with which bidders must comply.

Plate _____ gives sample Invitation to Bid for guidance.

2026 NOTE: The Plate number was left blank in past publications of the GAR.

§ 1169. Same: Bidding Requirements and Conditions: Qualification of Bidders.

(a) Before a bid is considered for award, the bidder may be requested by the Government to submit a statement regarding his previous experience in performing comparable work, his business and technical organization, financial resources and plant available to be used in performing the work.

(b) This condition will be specified in the contract documents. A certified detailed statement setting forth such qualification shall be submitted at a time specified in the Invitation for Bids.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1170. Same: Same: Contents of Bid Forms.

Upon request, the Government will furnish a prospective bidder with an Invitation to Bid. This invitation must be accompanied by a set of documents called the BID FORMS which will state the location and description of the contemplated construction and will show the following:

(a) Unit Price Contracts. Bid Forms must show the estimate of the various quantities and kinds of work to be performed or materials to be furnished and will have a schedule of items for which unit bid prices are invited.

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(b) Lump Sum Contracts. Bid Forms must show the kinds of work to be performed, materials to be furnished and, if applicable, methods or modes of construction, and an invitation to submit a lump sum bid price or prices for work to be accomplished.

Bid Forms will state the time in which the work must be completed, the amount of the bid guarantee, and the date, time and place of the opening of bids. The Bid Forms will also include any special provisions or requirements which vary from or are not contained in the Standard Specifications.

All papers bound with or attached to the Bid Forms are considered a part thereof and must not be detached or altered when the bid is submitted.

The Plans, specifications and other documents designated in the Bid Forms will be considered a part of the Invitation to Bid whether attached or not.

§ 1171. Same: Same: Interpretation of Quantities in Bid Schedule (Unit Price Contract Only).

The quantities appearing in the bid schedule are approximate only and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished in accordance with the contract. The scheduled quantities of work to be done and materials to be furnished may each be increased, decreased or omitted as hereinafter provided. Bid schedule quantities will be considered the original contract quantities.

§ 1172. Same: Same: Examination of Plans, Specifications, Special Provisions and Site of Work.

(a) The Government will prepare plans and specifications giving directions to be carried out by the Contractor.

(b) When subsurface investigations have been made, Bid Forms will indicate where bidders may inspect the investigation records.

(c) The records of subsurface investigations are not a part of the contract and are made available to bidders for informational purposes only.

(d) While subsurface investigations will have been performed with reasonable care, it shall be specified in the Invitation to Bid that there is no warranty or guaranty, either expressed or implied, that they will disclose the actual conditions which will be encountered during the progress of the work.

(e) When a log of test boring is included in the subsurface investigation record, the data shown in the individual log of each test boring apply only to that particular boring and are not intended to be conclusive as to the character of any material between or around test boring.

(f) Any interpretation of the Government's subsurface investigation record made by the bidder as to the types, characteristics, quantity and quality of any subsurface material or condition shall be at the sole risk of the bidder.

(g) The following clause shall be made a part of the contract provisions:

CONDITIONS AFFECTING THE WORK

The Contractor shall be responsible for having taken steps reasonably necessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or cost thereof. Any failure by the Contractor to do so will not relieve him from responsibility for successfully performing the work without additional expense to the Government. The Government assumes no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of this contract, unless such understanding or representations by the Government are expressly stated in the contract.

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2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1173. Same: Same: Changes or Clarifications to the Bid Documents During the Bid Period.

(a) A change in or clarification to the plans and/or specifications may be initiated and issued as an “Addendum” during the bid period provided basis and the intent of the project is not significantly altered.

(b) The Addendum shall be prepared with clarity and in sufficient detail to preclude misinterpretations by prospective bidders. All addenda shall be routed through the Chief of Engineering for approval prior to issuance.

(c) Addenda may be issued at any time during the bid period, provided however, that it be issued one (1) day prior to the bid opening.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1174. Same: Same: Preparation of Bid Forms.

The following clauses shall be made a part of all contract provisions and shall govern the preparation of all bids:

(a) Preparation of Bids:

(1) Bids shall be submitted on the forms furnished, or copies thereof, and must be manually signed. If erasures or other changes appear on the forms, each erasure or change must be initialed by the person signing the bid. Unless specifically authorized in the Bid Forms, telegraphic bids will not be considered.

(2) The Bid Forms may provide for submission of a price or prices for one or more items, which may be lump sum bids, alternate prices, scheduled items resulting in a bid on a unit of construction or a combination thereof, etc. Where the Bid Forms explicitly requires that the bidder bid on all items, failure to do so will disqualify the bid. When submission of a price on all items is not required, bidders should insert the words “no bid” in the space provided for any item on which no price is submitted.

(3) Unless called for, alternate bids will not be considered.

(4) Modifications of bids already submitted will be considered if received at the office designated in the Invitation to Bid by the time set for opening of bids. Telegraphic modifications will be considered, but should not reveal the amount of the original or revised bid.

(5) Unit Price Bid. The bidder shall specify a unit price in words and figures, for each pay item for which a quantity is given and shall also show the products of the respective unit prices and quantities written in figures in the column provided for that purpose and the total amount of the bid obtained by adding the amounts of the several items. All the words and figures shall be in ink or typed. In case of a discrepancy between the prices written in words and those written in figures, the prices written in words will govern.

When an item in the bid schedule contains a choice to be made by the bidder, the bidder shall indicate his choice in accordance with the specifications for that particular item, and thereafter no further choice will be permitted.

(6) The bidder shall specify a lump sum price in words and figures for each item of work delineated in the BID FORMS and as provided further by the General Provisions of the STANDARD SPECIFICATIONS.

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All the words and figures shall be in ink, or typed. In case of a discrepancy between the prices written in words and those written in figures, the prices in words shall govern.

When an item of work for which a price is invited contains a choice to be made by the bidder, the bidder shall indicate his choice in accord with the specifications for that particular item, and thereafter no further choice will be permitted.

(7) The bidder's bid must be signed with ink by the individual, by one or more members of the partnership, by one or more members or officers of each firm representing a joint venture or by one or more officers of a corporation, or by an agent of the Contractor legally qualified and acceptable to the Government.

§ 1175. Same: Same: Irregular Bids.

Bids will be considered irregular and may be rejected for the following reasons or as otherwise set forth in the standard forms contained in Bid Forms:

(a) If the bid is on a form other than that furnished by the Government or if forms are altered or any parts thereof are detached.

(b) If there are unauthorized additions, conditional or alternative bids, or irregularities of any kind which may tend to make the bid incomplete, indefinite or ambiguous as to its meaning.

(c) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award. This does not exclude a bid limiting the maximum gross amount of awards acceptable to any one bidder at any one bid letting, provided that any selection of awards will be made by the Government.

(d) If the bid on a unit price contract does not contain a unit price for each pay item listed except in the case of authorized alternative pay items.

102.08 Bid Guarantee. The following clause shall be included in the contract provisions and sets forth bid surety requirements:

4. Bid Guarantee. Where a bid guarantee is required by the invitation to bid, failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid. A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit. Bid guarantees, other than bid bonds, will be returned:

(a) to unsuccessful bidders as soon as practicable after the opening of bids; and

(b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder, upon acceptance of his bid by the Government within the period specified therein for acceptance (sixty (60) days if no period is specified) fails to execute such further contractual documents, if any, and given such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms by him, his contract may be terminated for default. In such event, he shall be liable for any cost of procuring the work which exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

See subsection for specific instructions on return of bid guarantee.

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Checks or money orders submitted as a bid guarantee shall be made payable to the Treasurer of Guam, Government of Guam.

§ 1176. Same: Same: Submission of Bids.

Bids must be sealed, marked and addressed as directed in the Invitation to Bid. Failure to do so may result in a premature opening of, or a failure to open such bid.

§ 1177. Same: Same: Late Bids and Modifications or Withdrawals.

(a) Bids and modifications or withdrawals thereof received at the office designated in the Invitation to Bid after the exact time set for opening of bids will not be considered unless:

(1) They are received before award is made; and either

(2) They are sent by registered mail or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized, and it is determined by the Government that the late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the bidder was not responsible; or

(3) If submitted by mail (or by telegram if authorized), it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: Provided, that timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the Receipt for Certified Mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows:

(1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(2) An entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

§ 1178. Same: Same: Withdrawal of Bids.

Bids may be withdrawn by written or telegraphic request received from bidders prior to the time set for opening of bids.

§ 1179. Same: Same: Combination or Conditional Bids.

No combination bids, other than those specifically provided for in the Bid Forms by the Government will be considered. Conditional bids will be considered when so stated in the special provisions.

§ 1180. Same: Public Opening of Bids.

(a) Bids will be publicly opened at the time set for opening in the Invitation to Bid. The content of each bid will be made public for the information of bidders and others interested, who may be present either in person or by representative.

(b) The Principal Engineer of the Implementing Division shall appoint a member of his staff to conduct the bid opening and perform such related duties as determining a location for the bid opening, opening of bids, checking for acknowledgment of Addenda, reading of bids. The appointee shall be knowledgeable in all aspects of conducting bid openings.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1181. Same: Disqualification of Bidders.

The Government reserves the right to disqualify a bidder for any of the following reasons, or as otherwise set forth in the standard forms contained in the Invitation for Bids:

(a) Lack of competency as revealed by the financial statement and experience questionnaires required under § 1169.

(b) Uncompleted work which, in the judgment of the Government might hinder or prevent the prompt completion of additional work if awarded.

(c) Failure to pay or satisfactorily settle all bills due for labor and material on former contracts in force at the time of advertisement for bids.

(d) Failure to comply with any qualification regulations of the Government.

(e) Default under previous contracts.

(f) More than one bid for the same work from a bidder under the same or different name.

(g) Evidence of Collusion Among Bidders. Participants in such collusion will receive no recognition as bidders for any future work of the Government until any such participant shall have been reinstated as a qualified bidder.

(h) Otherwise not responsible.

§ 1182. Same: Material Guarantee.

The following clause shall be made a part of the contract provisions:

(a) Unless otherwise specifically provided in this contract, all equipment, material and articles incorporated in the work covered by this contract are to be new and of the most suitable grade for the purpose intended. Unless otherwise specifically provided in this contract, reference to any equipment, material, article or patented process, by trade name, make or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition, and the Contractor may, at his option, use any equipment, material, article or process which, in the judgment of the Contracting Officer, is equal to that named. The Contractor shall furnish to the Contracting Officer for his approval the name of the manufacturer, the model number and other identifying data and information respecting the performance, capacity, nature and rating of the machinery and mechanical and other equipment which the Contractor contemplates incorporating in the work. When required by

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this contract or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the material or articles which he contemplates incorporating in the work. When so directed, samples shall be submitted for approval at the Contractor's expense, with all shipping charges prepaid. Machinery, equipment, material and articles installed or used without required approval shall be at the risk of subsequent rejection.

(b) All work under this contract shall be performed in a skillful and workmanlike manner. The Contracting Officer may, in writing, require the Contractor to remove from the work any employees the Contracting Officer deems incompetent, careless or otherwise objectionable.

§ 1183. Same: Revisions, Additions to or Alterations to § 1160 *Et. Seq.* to Conform to Federal Regulations.

Where construction of capital improvements partially financed by Federal grants are involved, provisions of §§ 1160 through 1183 of this Article [Manual] may be revised, altered or added to conform to applicable Federal regulations.

ARTICLE 2
STREET ADDRESSES

(No rules filed)

NOTE: Rule-making authority cited for formulation of regulations for street addresses by the Director of Public Works, 5 GCA § 52107.

ARTICLE 3
BUILDING LAW REGULATIONS

2026 NOTE: Past publications of the GAR included the following annotation:

NOTE: Rule-making authority cited for formulation of Building Law regulations by the Director of Public Works, 21 GCA § 66116 - § 66118.

The building law regulations of the Department of Public Works are reprinted here in form as exact as possible to those filed on December 23, 1977 with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Director of Public Works.

- § 1301. General.
- § 1302. Codes - General Construction.
- § 1303. General Information.
- § 1304. Zones.
- § 1305. Set Backs.
- § 1306. Prohibitions and Penalty.
- § 1307. Schedule of Building Permit Fees.
- § 1308. Procedures and Requirements for Obtaining a Construction Permit.
- § 1309. Application Process, Procedures and Requirements.
- § 1310. Review.
- § 1311. Construction Permit Issuance Procedures and Requirements.
- § 1312. Inspection of Work in Progress.
- § 1313. Stop Work Orders.

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- § 1314. Certificate of Occupancy.
§ 1315. Installation of Electrical Systems.

§ 1301. General.

Regulations and procedures for the grading and clearing of land and construction of buildings and other structures on Guam (pursuant to 5 GCA § 9300, 21 GCA §§ 66116 and 66117).

§ 1302. Codes - General Construction.

All construction work within Guam and under the purview of the Department of Public Works shall be governed by the latest edition of the Uniform Building Code and supplements thereto.

2026 NOTE: Reference to the “territory” omitted pursuant to 1 GCA § 420

§ 1303. General Information.

Before applications are made for a building permit, the following information should be read carefully and thoroughly understood. All questions should be directed to the Building Official.

§ 1304. Zones.

Guam is divided into eight (8) zones known as:

- (a) “A” Rural Zone
- (b) “R1” One-Family Dwelling Zone
- (c) “R2” Multiple Dwelling Zone
- (d) “P” Automobile Parking Zone
- (e) “C” Commercial Zone
- (f) “M1” Limited Industrial Zone
- (g) “M2” Industrial Zone
- (h) “LC” Limited Commercial Zone

2026 NOTE: Reference to the “territory” omitted pursuant to 1 GCA § 420. Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1305. Set Backs.

The required set backs to the following zones are:

Uses	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Lot Area Per Dwelling Unit
“A” Rural	25 feet	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	10,000 sq. ft.
“R1” Single Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	5,000 sq. ft.
“R2” Multiple family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
“C” Commercial	-----	20 ft.	-----	20 ft.	2,000 sq. ft.	400 sq. ft.
“M1” Light Indus.	20 ft.	20 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.

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Uses	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Lot Area Per Dwelling Unit
"M2" Heavy Indus.	25 ft.	15 ft.	15 ft.	120 ft.	40,000 sq. ft.	1,250 sq. ft.

Uses	Lot Area	Dwelling Unit
"A"	40,000 sq. ft.	10,000 sq. ft.
"R1"	5,000 sq. ft.	5,000 sq. ft.
"R2"	5,000 sq. ft.	1,250 sq. ft.
"C"	2,000 sq. ft.	400 sq. ft.
"M1"	1,250 sq. ft.	1,250 sq. ft.
"M2"	1,250 sq. ft.	1,250 sq. ft.

§ 1306. Prohibitions and Penalty.

(a) It shall be unlawful to construct, enlarge, alter, remove or demolish or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provisions is made or the installation of which is regulated by the Uniform Building Code without first filing an application with the Building Official in writing, and obtaining the required permit therefor except that ordinary repairs as defined in 21 GCA Chapter 66 which do not involve any violation of this Title shall be exempt from this provision.

(b) Any person violating the provisions of the Uniform Building Code and 21 GCA Chapter 66 shall be deemed guilty of a misdemeanor, punishable by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(c) Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of the Uniform Building Code and 21 GCA Chapter 66 occurs.

§ 1307. Schedule of Building Permit Fees.

Before a building permit is issued, a permit fee shall be paid to the Building Official in accordance with the following schedule based upon the value of the proposed work:

(a) If the value is Twenty-Five Dollars (\$25.00) or less, no fee shall be required.

(b) If the value is more than Twenty-Five Dollars (\$25.00) but not over One Hundred Dollars (\$100.00), the fee shall be One Dollar (\$1.00).

(c) If the value is more than One Hundred Dollars (\$100.00) but not over Four Hundred Dollars (\$400.00), the fee shall be Two Dollars (\$2.00).

(d) If the value is more than Four Hundred Dollars (\$400.00) but not over Seven Hundred Dollars (\$700.00), the fee shall be Three Dollars (\$3.00).

(e) If the value is more than Seven Hundred Dollars (\$700.00) but not over than One Thousand Dollars (\$1,000.00), the fee shall be Four Dollars (\$4.00).

(f) For each additional One Thousand Dollars (\$1,000.00) the value or fraction thereof, up to and including Fifteen Thousand Dollars (\$15,000.00), the fee shall be Two Dollars (\$2.00).

(g) For each additional One Thousand Dollars (\$1,000.00) valuation or fraction thereof, over Fifteen Thousand Dollars (\$15,000.00), the fee shall be One Dollar (\$1.00).

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(h) For each additional One Thousand Dollars (\$1,000.00) valuation or fraction thereof, exceeding Fifty Thousand Dollars (\$50,000.00) the fee shall be Fifty Cents (\$0.50).

(i) Fee for sign boards shall be Ten Dollars (\$10.00).

(j) Fee for the moving of any building or structure shall be Sixteen Dollars (\$16.00).

(k) Fee for the demolition of any building or structure shall be Four Dollars (\$4.00).

(l) Before plans and specifications are accepted for checking, a plan-checking fee, in addition to the building permit fee, shall be paid to the Building Official, which plan-checking fee shall only be applicable to a building or structure whose total valuation is Ten Thousand Dollars (\$10,000.00) or over. The plan-checking fee shall be one half ($\frac{1}{2}$) of the building permit fee.

(m) Fill Permit Fees:

Volume of Material

0 to 2,000 cubic yards	\$1.00 per 100 cu. yds.
0 to 2,000 cubic yards	\$20.00 plus \$2.00 for each additional 1,000 cubic yards or fraction thereof

(n) Excavation Permit Fee:

Volume of Material

0 to 2,000 cubic yards	\$0.50 per 100 cu. yds.
0 to 2,000 cubic yards	\$10.00 plus \$1.00 for each additional 1,000 cubic yards or fraction thereof

Fence Permit Fees

Concrete Retaining Wall	\$2.00 per sq. ft. of wall face
Hollow or Decorative Blocks	\$1.50 per sq. ft. of wall face
Wood or Chain Link	\$0.50 per sq. ft. of wall face

§ 1308. Procedures and Requirements for Obtaining a Construction Permit.

The following procedures and requirements shall be followed in obtaining a permit for construction permit for work within Guam under the purview of the Department of Public Works.

2026 NOTE: Reference to the “territory” omitted pursuant to 1 GCA § 420.

§ 1309. Application Process, Procedures and Requirements.

A permit application, completely filled out on forms furnished by the Department of Public Works, shall be submitted by the owner, or his licensed contractor. The permit application must be accompanied by at least three (3) complete sets of plans and specifications for the proposed work.

Before specific plans and specifications are reviewed for compliance with the Building Code and other requirements, the plans and specifications shall contain the following as a minimum:

(a) Plans and Specifications – Drawing Standards:

(1) Plan Sheet Size - all plan sheets must have a minimum size of 18” x 24” and a maximum of 30" x 42". A set of plans must have a uniform sheet size. Variations sheet size will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient and written approval by the Building Official.

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(2) Drawings shall be provided with a border leaving a one-half ($\frac{1}{2}$) inch margin at the top bottom and right side and a one and one-half ($1\frac{1}{2}$) inch margin at the left for binding. Drawings shall also contain a title block in the lower right hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans.

Specifications - (If not on plan sheets) must be on standard 8- $\frac{1}{2}$ x 11 sheets, typed, bound and indicating the exact description of the project.

(b) Civil Requirements:

(1) Plot Plan - plans must include a plot plan, drawn to scale, completely dimensioned and must contain the following:

- (A) Delineation of property boundaries lot number and zone designation.
- (B) Delineation of public ROWs, easements access roads (if applicable).
- (C) Location of proposed project in relation to property boundaries, public rights-of-way, easements and access roads and existing structures.
- (D) Indication of all existing structures on the lot including their location with respect to the lot boundaries.

NOTE: Location of all property lines must be verified by the Department of Land Management.

(2) Grading Plan - plans must include a grading plan, which may be a part of, or separate from the Plot Plan and must contain the following:

- (A) Location of all existing and proposed drainage channels.
- (B) Approximate slope of existing and proposed ground surface.
- (C) Location of existing and proposed utilities, roads, paved areas on the site.
- (D) Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water found.
- (E) Soil erosion control plan when required by Guam EPA regulations or the Building Official.

NOTE: Soil test requirements may be waived for one (1) or two (2) family dwellings, or building extensions, if in the opinion of the Building Official such tests are not required for a safe design.

Soil test data must be submitted for projects involving individual sewage disposal systems.

(3) Sewage Disposal Requirements - connection to public sewer - if sewage disposal is to be accomplished by connection to public sewer, the project plans must show the following:

- (A) Location of sewer line to connect to;
- (B) Elevation of upstream and downstream manholes;
- (C) Lowest floor elevation;
- (D) Connection details.

(4) Individual Sewage Disposal System - If sewage disposal is to be accomplished by an individual sewage disposal system (usually septic tank and leaching field), the plan must indicate the following:

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(A) Soil test data;

(B) Disposal system construction details as approved by Guam EPA and Guam Waterworks Authority.

(5) Sewage Treatment Plant - if sewage disposal is to be accomplished by the utilization of a treatment plant, the plans shall contain the following:

(A) Site plan;

(B) Component details;

(C) Flow diagram of the plant;

(D) Design criteria;

(E) Design data indicating organic loading air supply requirements and detention time;

(F) Sludge disposal scheme;

(G) Discharge scheme.

(6) All sewage disposal schemes and plans and specifications must be approved by Guam EPA.

(c) Architectural Requirements:

(1) Floor plan (must include room designation);

(2) Elevation (sections);

(3) Details.

(d) Structural Requirements:

(1) Foundation plans;

(2) Roof Framing Plan - (if roof is to be concrete or floor above the first story is to be concrete, plans must be approved and signed by a Professional Civil Engineer or Architect licensed to practice in Guam;

(3) Floor framing plan (if two-story or more);

(4) Details of (1), (2) and (3) above;

(5) Design calculations and analysis;

(6) Soil investigation data (if required).

NOTE: If construction of the structure calls for special materials, appropriate test data must be submitted.

(e) Mechanical Requirements:

(1) Mechanical Plan:

(A) Plumbing plan in isometric;

(B) For buildings with central air conditioning, an isometric air condition plan must be submitted along with mechanical floor plan, including refrigerant piping layout;

(2) Legend of symbols;

(3) General notes specifying design criteria for all mechanical systems;

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(4) Fixture schedule specifying materials to be used;

(5) Design calculations of all mechanical systems;

(6) Food service equipment (if applicable) must have approval from Department of Public Health and Social Services.

NOTE: Mechanical plans must be separate and must not be superimposed on other plan categories.

(f) Electrical Requirements:

(1) Electrical plan - to include:

(A) lighting plan;

(B) power plan;

(C) communication plan if commercial or industrial (including fire alarm systems);

(2) Service one line diagram;

(3) Panel schedules;

(4) General notes specifying design criteria;

(5) Legend of symbols;

(6) Design calculations.

2026 NOTE: Reference to the “territory” omitted pursuant to 1 GCA § 420. Reference to “PUAG” replaced with “Guam Waterworks Authority” pursuant to P.L. 23-119:3 (July 31, 1996). Subsection designations (b)(4),(5),(6) added pursuant to the authority of 1 GCA § 1606.

§ 1310. Review.

(a) The building permit application accompanied by at least three (3) complete sets of plans and specifications must be submitted to the Building Permits Division, Department of Public Works by the owner or his licensed contractor.

(b) A Building Permit Inspector shall review the plans and specifications to assure that all minimum requirements listed under § 1301 are met. If the plans and specification do not meet the specified requirements, they shall be returned to the owner for corrections.

(c) If plans and specifications meet the minimum requirements, they will be accepted by the Building Permit Inspector and submitted to the Division of Architectural/Engineering Services, Department of Public Works for plan checking.

(d) The review and approval of the following government agencies must be obtained before processing of applications by the Building Permits Division is completed:

(1) Department of Health and Social Services - food service and handling equipment and systems;

(2) GWA (Guam Waterworks Authority) - water and sewer service;

(3) GEPA - sewage disposal systems and erosion control plans as required by GEPA;

(4) Land Management - approval of ownership of land, zoning and conditions under which the property (if applicable) received the approval of the TPC;

(5) Guam Fire Department - for compliance, conformance with the fire code. This is strictly required for residential, commercial, industrial and other building structures.

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(e) If, after review by Department of Public Works, the plans and specifications are found to be inadequate and do not conform to all construction codes, they shall be returned to the owner for corrections. A building permit will not be issued on the basis of marked up prints except in the case of very minor changes which do not affect the safety of a building or any established government standard. This will be determined by the Building Official.

(f) The owner or his licensed contractor shall resubmit the corrected or revised plans and specifications to the Building Permits Division, Department of Public Works for further review.

2026 NOTE: Reference to "PUAG" replaced with "GWA (Guam Waterworks Authority)" pursuant to P.L. 23-119:3 (July 31, 1996). Reference to "Department of Public Safety (Fire Division)" replaced with "Guam Fire Department" pursuant to P.L. 17-078:2-3 (Dec. 12, 1984).

NOTE: When resubmitting corrected or revised plans and specifications to the Department of Public Works, the plans must be accompanied by the marked-up prints previously returned to the owner.

§ 1311. Construction Permit Issuance Procedures and Requirements.

(a) If plans and specifications are found to be adequate and conform to all construction code requirements the Building Official shall stamp and sign three (3) complete sets of (prints) plans and specifications:

(1) one (1) set will be retained by the Building Permit Division;

(2) one (1) set for the owner's records;

(3) one (1) set returned to the owner, his licensed contractor which must be available for inspection at the job site any time work is in progress.

The Building Official shall then issue a building permit which must be posted at a conspicuous location at the project site at all times.

(b) **Approved Plans, Changes Prohibited.** Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable laws, without the expressed written authorization of the Building Official, and all work shall be done in accordance with the approved plans and specifications.

(c) **Building Permit Validity.** Any building permit shall be void if the work authorized by said permit is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time the work has commenced; provided that for just cause stated in writing to the Director of Public Works, the Director may allow up to a maximum of three (3) months. All such extensions shall be in writing and noted on the building permit and in the building records of the Division of Building Permits.

§ 1312. Inspection of Work in Progress.

(a) The project shall be inspected on regular basis by building inspectors from the Department of Public Works to assure compliance with approved plans and specifications, and in accordance with all Department of Public Works building and safety regulations.

NOTE: In accordance with Public Works standards:

(a) Schedule of concrete pouring must be made twenty-four (24) hours in advance and work must be performed in the presence of a Building Inspector.

(b) All major construction work such as electrical rough-in and finishing, plumbing rough-in, septic tank and leaching field installation must be inspected by a Building Inspector or a GEPA inspector as applicable, prior to covering or concealment.

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(b) Failure to comply with the above requirements may result in unnecessary delays to the project or a suspension of work or denial of a Certificate of Occupancy and an order to remove portions or all of the offending structures.

(c) After completion of the project, final inspection by appropriate government of Guam officials shall be conducted to assure that the work is in accordance with the approved plans and specifications and that government of Guam requirements are met.

2026 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1313. Stop Work Orders.

In the event of a project is commenced without a building permit, or work performed is not in accordance with approved plans and specifications or any approved changes or revisions thereto, or unsafe construction practices are continued after sufficient warnings by the Building Official or his authorized representatives, a STOP WORK ORDER shall be issued and take effect until the conflict resolved.

§ 1314. Certificate of Occupancy.

After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications and has met all government of Guam requirements, the Building Official shall issue a Certificate of Occupancy.

§ 1315. Installation of Electrical Systems.

Procedures and regulations for electrical systems dwelling units, commercial, industrial and public buildings:

(a) Effective August 1, 1973, all electrical wiring, maintenance and installation of electrical systems in multiple family dwelling units, commercial, industrial and public buildings shall be performed by a licensed Electrical Contractor or licensed General Contractor with Registered Electrical Engineer or licensed Master Electricians.

(b) Effective September 1, 1973, all electrical systems, wiring and installation in single family dwelling units shall be performed by a licensed Electrical Contractor or licensed General Contractor with registered Electrical Engineer or licensed Master Electrician.

(c) All electricians performing wiring work shall be under the direct supervision of a licensed Electrical Contractor, registered Electrical Engineer or licensed Master Electrician.

(d) After the electrical work is completed, the Electrical Contractor or General Contractor with their licensed Electrical Engineer or Master Electrician shall endorse the approved job site electrical plans with the statement, "I hereby certify that the electrical work was performed by me or under my supervision".

(e) The endorsed plans must then be approved by the Director of Public Works or his authorized designee.

ARTICLE 4
[VACANT]
(FORMERLY CONTRACTORS LICENSE BOARD)

SOURCE: Repealed pursuant to the Administrative Adjudication Law, effective on July 11, 2024.

NOTE: Rule-making authority cited for Contractors License Board by the Department of Public Works 21 GCA §70102. The original publication was made on February 15, 1975.

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2026 NOTE: Contractors License Board (CLB) rules were not published in the original 1975 GAR print publication. The 1981 GAR print publication codified CLB rules in Title 22 (Public Works), as Subchapter D of Chapter 1 (Director of Public Works), pursuant to the following Editor's Note: "The rules and regulations of the Contractors License Board are reprinted here in form as exact as possible to those filed on June 6, 1978 with the Legislative Secretary. The substance of the regulations has not been changed." The 1997 GAR print publication codified CLB rules in Title 29 (Public Works), as Chapter 1 Article 4, with a Compiler's Note which states in relevant part: "These Rules and Regulations were filed with the Legislative Secretary on January 15, 1988." Although not expressly stated, it appears that CLB rules had been amended and filed in 1988, in light of this Compiler's Note and a comparison of the 1981 and 1997 GAR publications. It is unclear why the 1997 GAR print publication also codified a different set of CLB rules in Title 25 (Professional and Vocational Regulations) as Chapter 12. The CLB rules in Chapter 25 do not have any information as to the date or method of adoption.

On April 11, 2024, pursuant to the Administrative Adjudication Law (5 GCA Chapter 9), the CLB filed updated rules which would: 1) be repealed and reenacted in Title 25 only; and 2) repeal the rules in Title 29 in their entirety. On July 11, 2024, the Speaker certified the rules as approved by default. Pursuant to the Administrative Adjudication Law, the rules in this Article 4 of Chapter 1, Title 29 are repealed, and CLB rules are codified only in Chapter 12 of Title 25 GAR.

ARTICLE 5
[VACANT]
(FORMERLY GUAM MASS TRANSIT AUTHORITY ROUTES, SCHEDULE AND FARES)

2026 NOTE: The Guam Mass Transit Authority (GMTA) was established by P.L. 15-092:1 (Jan. 8, 1980), and its rules were filed with the Legislative Secretary on August 31, 1987, and codified by the Compiler as Article 5 of Chapter 1, 29 GAR, formerly entitled "Guam Mass Transit Authority Route, Schedule and Fares." The GMTA was abolished by P.L. 26-076:23(b) (March 12, 2002) and its powers, duties, and responsibilities were transferred to the Department of Administration. The rules in this Article were included in the 1997 print publication of the GAR, but were omitted in subsequent publications, in light of P.L. 26-076. Although the successor entity, the Guam Regional Transit Authority, was established by P.L. 30-005:2 (Mar. 13, 2009), new rules have not been promulgated.

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APPENDIX C
SUGGESTED GUIDELINES FOR INTERVIEWING CONSULTANT AND
EVALUATING CONSULTANT PROPOSALS

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.

1549.20(f)



APPENDIX C - SUGGESTED GUIDELINES FOR INTERVIEWING CONSULTANT AND
EVALUATING CONSULTANT PROPOSALS

The Board should screen all firms by reviewing all qualifications data presented. The following factors should be determined from the consultants' brochures, staff, and replies to inquiries sent to former clients:

1. Specialized experience in the type of work required.
2. Record of the firm in accomplishing work on other projects in the required time.
3. Geographic location of qualified firms relative to the project location.
4. Quality of work previously performed by the firm for the agency.
5. Evidence of any attempt to avoid responsibility for evident design failures.
6. Recent experience showing accuracy of cost estimates.
7. Community relations including evidence of sensitivity to citizen concerns.

As a result of this initial screening at least three firms may be invited to submit proposals.

The firms selected from the initial screening list should be notified in writing. A time should be set for interviews or presentations to the Board of proposals describing how each would conduct the project. Each firm should be asked to provide a resume of its proposed project engineer, the name of the principal responsible for the work, the amount of work presently under way, and the ability of the firm to meet required time schedule.

The notice of interview will be the firm's first contact for the project. Therefore, sufficient time should be allowed for the firm to meet with the staff, to visit the site, and to become familiar with the requirements of the project.

Compensation should not be discussed at this time. The traditional prevailing approach involves consideration of the candidates' qualifications, followed by screening, selection, and, finally, fee negotiations.

SUBMISSION OF PROPOSALS/CONDUCT OF INTERVEIWS

Each of the consultant to be interviewed or invited to submit proposals should describe in detail how he proposes to carry out the engineering or architectural tasks involved in the project. The principal member of the firm's staff who would be assigned to the specific project should have substantial, recent experience in responsible charge of work of the type involved. At least two additional members of the firm's staff

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PLATE 3
CAPITAL IMPROVEMENT PROJECT PRE-IMPLEMENTATION ACTIVITIES

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.



1549.4(b)

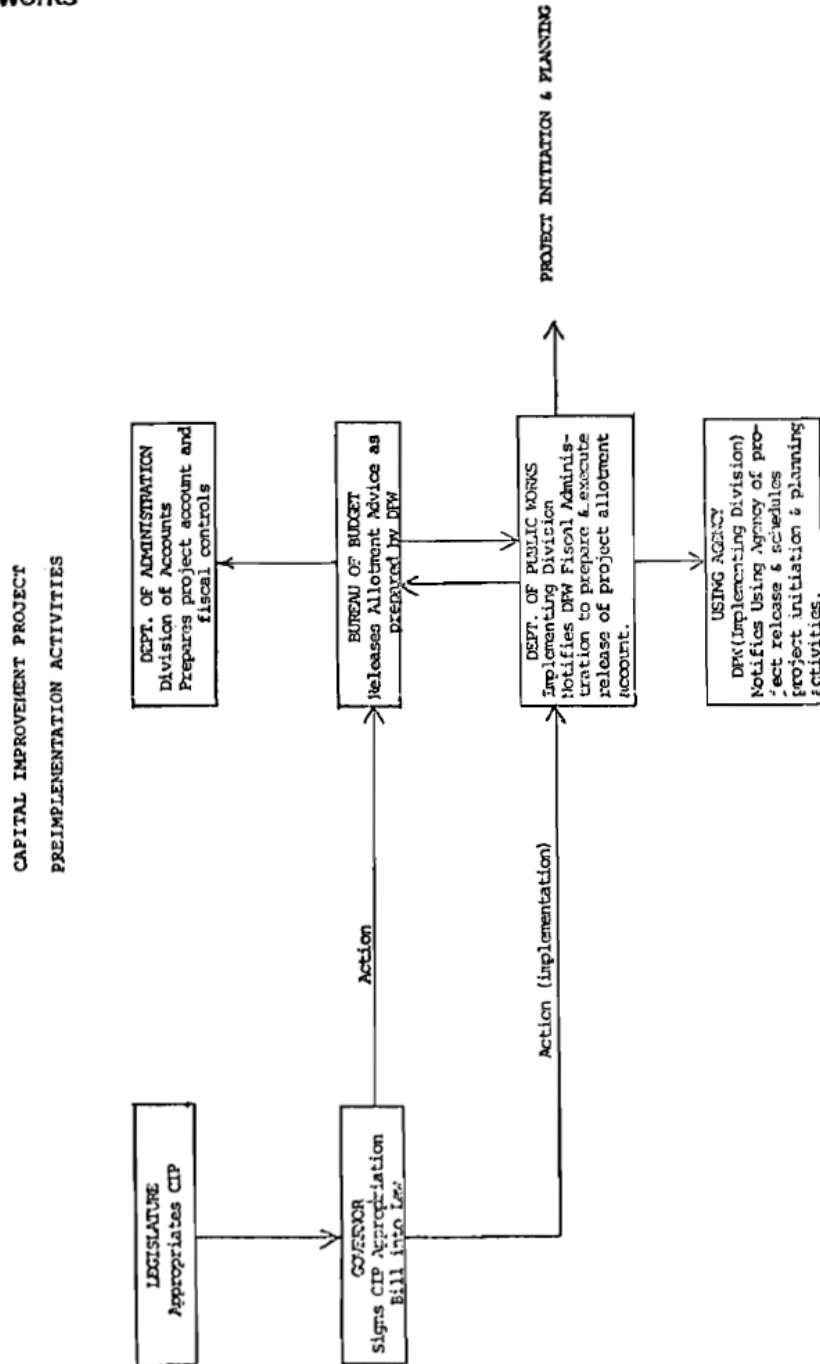
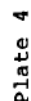


Plate 3

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PRE-IMPLEMENTATION ACTIVITIES FOR PROJECT CREATED BY WORK REQUEST

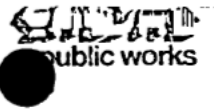
2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.



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PLATE 5
PROJECT IDENTIFICATION CODE REFERENCES – DEPARTMENT OF PUBLIC WORKS

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.



PROJECT IDENTIFICATION CODE REFERENCES
DEPARTMENT OF PUBLIC WORKS

CATEGORIES	LOCATION
100-SERIES-UTILITIES	AGN - Agaña
110-ADMINISTRATION(PUAG)	AGH - Agaña Heights
120-Water Treatment	AGT - Agat
130-Sewer	ASH - Asan
140-Sewage Treatment	BAR - Barrigada
150-SERIES-TELEPHONE	CPO - Chalan Pago-Ordot
160-Administration	DEO - Dededo
170-Operations	INR - Inarajan
180-SERIES-POWER	MW - Margilao
190-Administration	PER - Piti
200-Operations	MTM - Mongmong-Toto-Maite
210-SERIES-PUBLIC WORKS	PIT - Piti
220-Administration	SIR - Santa Rita
230-Bus Operations	SIN - Sinajana
240-Solid Waste Management	TAL - Talofofo
250-Transportation Maintenance	TAM - Tamuning
260-Building Maintenance	UNA - Unatac
270-Highway Maintenance	YGO - Yigo
280-Engineering	YNA - Yona
290-Drainage & Flood Control	TER - Islandwide or Government
300-Street Lights	
310-Building Permits	
320-SERIES-DEVELOPMENT OF NATURAL RESOURCES	
330-Administration	
340-Parks and Grounds	
350-Marinas	
360-GIAT	
370-SERIES-AGRICULTURE	
380-Administration	
390-Operations	
400-SERIES-PUBLIC SAFETY	
410-Administration	
420-Civil Defense	
430-Police	
440-Fire	
450-Corrections	
460-Judiciary	
470-SERIES-PUBLIC HEALTH	
480-Administration	
490-Operations(Clinics)	
500-Guam Memorial Hospital	
510-Environmental Protection	
520-SERIES-GENERAL GOVERNMENT	
530-Governor's Office	
540-Dept. of Administration	
550-Attorney General	
560-Dept. of Labor	
570-Library and Museums	
580-Commercial Port	
590-Legislature	
600-Revenue and Taxation	
610-SERIES-COMMUNITY	
620-Commissioner's Facilities	
630-Community Facilities	
640-SERIES-RECREATION	
650-Recreation Commission	
660-Active Recreation	
700-SERIES-EDUCATION	
710-Administration/General	
720-Elementary Schools	
730-Junior High Schools	
740-Senior High Schools	
750-Special Education	
760-University of Guam	

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PLATE 6
CODE REFERENCES – HIGHWAY PROJECTS

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.



1549.4(e)

CODE REFERENCES-HIGHWAY PROJECTS

CATEGORIES	LOCATION
Primary and Secondary Roads	
001 - Route 1 - Marino Drive	AGN - Agana
002 - Route 2	AGH - Agana Heights
02A - Route 2A	AGT - Agat
003 - Route 3	ASN - Asan
004 - Route 4	BaR - Barrigada
005 - Route 5	CPO - Chalan Pago-Ordot
006 - Route 6	DED - Dededo
007 - Route 7	INR - Inarajan
008 - Route 8	MAN - Mangilao
009 - Route 9	MER - Merizo
010 - Route 10	MTM - Mongmong-Toto-Maite
10A - Route 10A - Airport Road	PIT - Piti
011 - Route 11	STR - Santa Rita
012 - Route 12	SIN - Sinajana
014 - Route 14	TAL - Talofofo
015 - Route 15	TAM - Tamuning
016 - Route 16	UMA - Umatac
017 - Route 17 - Cross-Island Road	YGO - Yigo
018 - Route 18 (Y-Sengsong Road)	YNA - Yona
COL - Collector Roads	TER - Islandwide or Government
VST - Village Streets	
INT - Intersections	
BRG - Bridges	
Code Reference - Funding	
L - Local Funds Only	
F - Federal Funds Involved	

PLATE 8
SELECTION PROCESS FOR PLANNING, SURVEYING, ARCHITECTURAL OR
ENGINEERING CONSULTANTS



SELECTION PROCESS FOR PLANNING, SURVEYING, ARCHITECTURAL OR ENGINEERING CONSULTANTS

(1) Initials _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____

- (a) Specialized experience in the type of work required;
- (b) Past performance of the firm in accomplishing work on government projects in the required time;
- (c) Quality of work previously performed by the firm for the government;
- (d) On-island capability to perform the required work;
- (e) Evidence of any attempt to avoid responsibility for evident design failures;
- (f) Recent experience showing accuracy of cost estimates;
- (g) Consultant-client relations including evidence of sensitivity and response to design review comments and initiative to incorporate such comments;
- (h) Using Agency relations, including evidence of sensitivity to Using Agency concerns.

Ratings range from the number one (1) to a number equal to the Consultants being considered (____) Number one (1) being the HIGHEST rating possible while (____) being the LOWEST rating. The top three Consultants may again be evaluated by the criteria listed above unless an overwhelming consensus occurs. In case of a tie, the Board shall decide the method of resolution and proceed accordingly.

Number one (1) being the HIGHEST rating possible while () being the LOWEST rating. The top three Consultants may again be evaluated by the criteria listed above unless an overwhelming consensus occurs. In case of a tie, the Board shall decide the method of resolution and proceed accordingly.

						TOTAL
(1)						
(2)						
(3)						
(4)						
(5)						
(6)						
(7)						
(8)						

(1)
(2)
(3)

Plate 8

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PLATE 9
MEMORANDUM

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.



DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GUAM
AGANA, GUAM

1549.16(b)

Memorandum

To: Director
Via: Chief of Engineering
From: Principal Engineer, Division of _____
Subject: Recommended Consultants for

The Consultant Selection Board of Review has completed all necessary activities for the purpose of selecting the most qualified consultants for the subject project.

All Consultants considered have been reviewed to the satisfaction of the Board in accordance with approved Project Management Policies and Procedures and, as Chairman, I am now presenting the Board's choice of the top three consultants in order of preference:

- (1)
- (2)
- (3)

PRINCIPAL ENGINEER

Attachments: Selection Process Form
Recommendations

To: Principal Engineer
Via: Chief of Engineering
From: Director
Consultant Firm Selected _____
Remarks:

DIRECTOR

cc: Using Agency

Plate 9

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PLATE 10
STANDARD DEPARTMENTAL CONTRACT DOCUMENT CD-1
(AGREEMENT BETWEEN GOVERNMENT AND ARCHITECT/ENGINEER)

2026 NOTE: Copied from the 1981 GAR, not published in 1997 GAR.

(CD-1) 1549.20(a)

AGREEMENT
BETWEEN GOVERNMENT AND
ARCHITECT/ENGINEER

THIS AGREEMENT made as of _____ day of _____ by and between the Government of Guam, whose place of business and post office address is Agaña, Territory of Guam, (hereinafter called the Government) and _____ (hereinafter called the Architect/Engineer).

WITNESSETH, that whereas the Government intends to engage the professional services of the Architect/Engineer to provide _____

_____;

(hereinafter called the Project); and,

WHEREAS, the services to be rendered are of a special or temporary nature which has been determined to be in the best public interest be performed under contract by professional personnel other than employees in the classified service of the Government;

NOW, THEREFORE, the Government and the Architect/Engineer, in consideration of mutual covenants hereinafter set forth agree as follows:

Section 1. SCOPE OF SERVICES: The Architect/Engineer agrees to perform all the professional services in connection with the project. These services are as defined in the following attachments which are incorporated herein by reference and made an integral part hereof:

Section 2. DESIGN CRITERIA: This Project, which consists of the plans and specification and other documents referenced herein, shall be prepared in accordance with the general criteria contained in the following references:

1. Building Law, Title XXXII, Government Code of Guam
2. Uniform Building Code (Latest Edition)
3. All other codes, regulations, technical publications, design manuals, etc.

Section 3. CONSTRUCTION COST LIMITATION AND SCHEDULING:

3.1 Construction Cost Limitations

The Architect/Engineer shall design and prepare the construction drawings and technical specifications to permit the construction of a useable facility through a competitively bid construction contract. The Architect/Engineer will also prepare a detailed budgetary cost estimate for the Project as approved by the Government.

As a responsibility incurred in the performance of this contract, the Architect/Engineer will assist the representatives of the Government in performing a cost analysis of the completed design to determine whether features of the design require modification to meet budgetary limitations. In the event such modifications are necessary to meet budgetary limitations the Architect/Engineer agrees to perform such design modification as may prove necessary to establish a final design which can be procured within the budgetary or time limitations imposed on the Government. Such service constitutes an original responsibility and the performance thereof shall not constitute the basis of any claim against the Government for additional compensation.

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1549.20(b)

If when bids for the construction contract are received or negotiations are required, the low bid or the negotiated price exceeds by 15% the estimate of the Architect/Engineer he shall perform such redesign and other services as are necessary to permit contract award within his estimate. Any such redesign, or staging of construction as described above, shall be satisfactory to the Government of Guam and shall be done by the Architect/Engineer at no extra cost.

3.2 Construction Scheduling

In the prefinal submittal, the Architect/Engineer shall recommend an optimum construction period for the work, giving due consideration to the urgent need for the system, the availability of labor, materials, equipment and shipping time required.

Section 4. REVIEWING AUTHORITIES: The plans, specifications and estimates, and any other data required in the completion of the Project, shall be subject to the review and approval of the Director of Public Works, or his authorized representatives, and:

Section 5. SUBMISSION OF PLANS, SPECIFICATIONS, DESIGN CALCULATIONS AND COST ESTIMATE: The Architect/Engineer shall submit copies of each document, marked with the appropriate submittal and date to the Director of Public Works in accordance with the following schedule:

The Architect/Engineer in signing this agreement, agrees to complete the work within the above schedule. In the case of an unforeseeable delay, the Architect/Engineer will notify the Government of Guam immediately in writing outlining sufficient justification for such delay.

The Architect/Engineer shall have the option of submitting either the signed original drawings on polyester film (mylar) or black line reproducible on polyester film base. Polyester film drawing media shall not be less than 3 mils in thickness. The original specifications shall be typed on good quality bond paper.

Section 6.

6.1 Compensation(Architect/Engineer and/or survey services)

The compensation of the Architect/Engineer for all services performed under this agreement shall be a lump sum of

6.2 Methods and Time of Payment

The Government will compensate the Architect/Engineer in progress payments based on delivery of approved interim submittals of design work. Payment at the completion of each Phase as specified in the attached Scope of Work will be made upon delivery, acceptance and approval of each Phase.

6.3 FINAL PAYMENT AND RELEASE OF CLAIMS: Final Payment shall be made upon satisfactory delivery and acceptance of all services as herein specified and performed under this Agreement. Prior to final payment, and as a condition precedent thereto, the Architect/Engineer shall execute and deliver to the Government a release, in a form approved by the Government, of claims against the Government of Guam arising under and by virtue of the agreement.

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Section 7. ACCESS TO RECORDS AND AUDIT REVIEW: The Architect/Engineer, and including his subcontractors, shall maintain all books, documents, papers, accounting records and other evidence pertaining to cost incurred and to make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the contract, for inspection by the Government of Guam. All expenses incurred by the Architect/Engineer in the execution of the provision of this agreement are subject to audit review by the Government.

Section 8. RELATIONS WITH OTHER GOVERNMENT AGENCIES: All directions within the scope of this contract will be issued by the Director of Public Works and the Architect/Engineer shall not accept such direction from others. Information provided by other agencies which seemingly conflicts with information provided by the Director of Public Works shall be brought to the attention of the Director immediately. This policy is not intended to prevent the Architect/Engineer from obtaining necessary design information from other agencies.

Section 9. RESPONSIBILITY OF THE ARCHITECT/ENGINEER: The Architect/Engineer shall be responsible for the professional and technical accuracy and the coordination of all designs, drawings, specifications and other work on materials furnished by him under his contract. The Architect/Engineer shall without additional cost to the government, correct or revise all errors or deficiencies in his work.

The government review, approval, acceptance of and payment of fees for services required under this contract shall not be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the Architect/Engineer performance of this contract and the Architect/Engineer shall be and remain liable to the government for all costs of any kind which may be incurred by the government as a result of the Architect/Engineer's negligent performance of any of the services performed under this contract.

Section 10. GOVERNMENT RESPONSIBILITIES: The Government responsibilities such as; Government Standard Forms, data, entry permits, reproduction services, etc., will be as defined in the attached SCOPE OF SERVICES.

Section 11. OWNERSHIP OF DOCUMENTS: All plans drawings, designs, specifications and other incidental architectural/engineering work or materials furnished hereunder shall be and remain the property of the Government, and may be used on any Government work without any additional cost to the Government.

Section 12. CHANGES: The Government may at any time, by written order, make any changes in the services to be performed hereunder. If such changes cause an increase or decrease in the cost of doing the work under this agreement, or in the time required for its performance, an equitable adjustment shall be made and the agreement shall be modified in writing accordingly. Any claim for adjustment under this section must be made in writing to the Government within thirty (30) days from the date the change is ordered; provided, however, the Government if it determines the facts justify such action, may receive and consider and adjust any such claim asserted at any time prior to the date of final settlement of the agreement. Nothing provided in this section shall excuse the Architect/Engineer from diligently proceeding with the work so changed.

Section 13. TERMINATION: The Government may, by written notice to the Architect/Engineer terminate this agreement in whole or in part at any time, either for the Government's convenience or the default of the Architect/Engineer. Upon such termination, all data, plans, specifications, reports, estimates, summaries, completed work and work in process, and such other information and materials as may have been accumulated by the Architect/Engineer in performing this agreement shall, the manner and to the extent determined by the Government, become the property of and be delivered to the Government. If the termination is for the convenience of the Government, an equitable adjustment shall be made to the agreement between the Architect/Engineer and the Government in the compensation to be paid the Architect/Engineer under this agreement but no amount shall be allowed for anticipated profit on unperformed work.

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CH. 1 DIRECTOR OF PUBLIC WORKS

1549.20(d)

Section 14. DISPUTES: All disputes concerning questions of fact arising under this agreement shall be decided by the Government, subject to written appeal by the Architect/Engineer within thirty (30) days to the Governor, whose decision shall be final and conclusive upon the parties.

Section 15. ASSIGNMENT OF AGREEMENT NOT PERMITTED: The Architect/Engineer may not assign this agreement, or any sum becoming due the Architect/Engineer under the provisions of this agreement, without the prior written consent of the Government.

Section 16. GENERAL COMPLIANCE WITH LAWS: The Architect/Engineer shall be required to comply with all Federal and Territorial laws and ordinances applicable to the work.

Section 17. CONFERENCES, VISITS AND SITE INSPECTION OF WORK: At any time during the performance of the design for the project it is agreed that conferences can be held at the request of any party thereto and for visits to the site and inspection of the work by any such party or parties and by representatives of

Section 18. COVENANT AGAINST CONTINGENT FEES: The Architect/Engineer warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the Architect/Engineer to solicit or secure this contract, and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Architect/Engineer, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability, or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

It is understood that all employees of the Department of Public Works are agent and representatives of the Government of Guam and shall not be personally held liable for the exercise of any power or authority under this agreement. It is further understood that you shall save and hold harmless the Government, its officers, agents, representatives successors and assigns and other governmental agencies from any and all suits or actions of every nature and kind, which may be brought for or on account of any injury, death, or damage arising or growing out of the acts or omissions of you, your officers, agents, servants or employees under this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in the day and year first above written.

GOVERNMENT OF GUAM

BY: _____
Director of Public Works

ARCHITECT/ENGINEER

BY: _____

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CH. 1 DIRECTOR OF PUBLIC WORKS

1549.20(e)

APPROVED AS TO FORM:

CERTIFIED FUNDS AVAILABLE:

Attorney General

Controller, Dept. of Public Works

Date _____

Date _____

CERTIFIED FUNDS AVAILABLE:

Director of Administration

Date _____

APPROVED:

GOVERNOR OF GUAM

Date _____

Public Works (original)
cc: Fiscal Administration, PW
Central Accounting, Administration

(Architect/Engineer

This contract of \$ _____ is properly chargeable to

Allotment No. _____

- 5 -

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