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**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)

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January 2, 2014

**GENERAL SERVICES AGENCY CIRCULAR NO.: 14- 003**

**TO:** All Department and Agency Heads

**FROM:** Chief Procurement Officer

**SUBJECT:** **Annual Report to the Chief Procurement Officer Listing All Contracts Awarded During the Preceding Fiscal Year**

*Hafa Adai!* This serves as a reminder to all departments and agencies of the requirement under 2GAR-Administration, Div. 4 – Procurement Regulations, §3114 (o) Reports, to submit an annual report to the Chief Procurement Officer listing all contracts awarded under §3114 of these Regulations during the preceding fiscal year.

Additionally, the report shall identify the parties to the contract, the contract amount, duration, and the services to be performed thereunder. A copy of §3114 (o) is attached for your reference. Please submit reports no later than February 28, 2014.

*Dangkolo na Si Yu'os Ma'ase'* for your attention and full cooperation.

  
CLAUDIA S. ACFALLE

attachment

(6) **Failure to Negotiate Contract with Offerors Initially Selected as Best Qualified.** Should the head of the agency conducting the procurement or a designee of such officer be unable to negotiate a contract with any of the offerors initially selected as the best qualified offerors, offers may be resolicited or additional offerors may be selected based on original, acceptable submissions in the order of their respective qualification ranking and negotiations may continue in accordance with Subsection 3114(1)(4) of this Section until an agreement is reached and the contract awarded.

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

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

(2) the principal elements of the negotiations including the significant considerations relating to price and the other terms of the contract.

All memoranda shall be included in the contract file and be available for public inspection.

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

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

2 GAR - ADMINISTRATION  
DIV. 4 - PROCUREMENT REGULATIONS

the contract, the contract amount, duration, and the services to be performed thereunder.

**§3115. Cancellation of Invitations for Bids or Requests for Proposals.**

(a) **Scope of This Section.** The provisions of this Section shall govern the cancellation of any solicitations whether issued by the territory under competitive sealed bidding, competitive sealed proposals, small purchases, or any other selection method, and rejection of bids or proposals in whole or in part.

(b) **Policy.** Solicitations should only be issued when there is a valid procurement need unless the solicitation states that it is for informational purposes only. The solicitation shall give the status of funding for the procurement.

Preparing and distributing a solicitation requires the expenditure of government time and funds. Businesses likewise incur expense in examining and responding to solicitations. Therefore, although issuance of a solicitation does not compel award of a contract, a solicitation is to be cancelled only when there are cogent and compelling reasons to believe that the cancellation of the solicitation is in the territory's best interest.

(c) **Cancellation of Solicitation - Notice.** Each solicitation issued by the territory shall state that the solicitation may be cancelled as provided in these Regulations.

(d) **Cancellation of Solicitation: Rejection of All Bids or Proposals.**

1. Prior to Opening.

A. As used in this Section, *opening* means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding.