



Gershman, Brickner & Bratton, Inc. in its capacity as Receiver for the Solid Waste Management Division of the Department of Public Works of the Government of Guam

REQUEST FOR PROPOSALS

TO PROVIDE

TRUSTEE SERVICES

Gershman, Brickner & Bratton, Inc., in its capacity as Receiver for the Solid Waste Management Division of the Department of Public Works of the Government of Guam (öGBBö), is seeking proposals from qualified institutions (öOfferorsö) to provide services as Trustee and Custodian (öTrusteeö).

Pursuant to the Order of the U.S. District Court of Guam dated October 22, 2008, GBB is to designate a Trustee to receive \$20,000,000 to be deposited by the Government of Guam by January 5, 2009.

I. Background

GBB has been appointed Receiver. GBB is a national solid waste management consulting firm with extensive experience with solid waste collection, processing, recycling and disposal issues, including those specific to island communities. As Receiver, GBB's responsibility is to implement the Consent Decree entered by the parties to this matter in 2004. GBB is responsible exclusively to the U.S. District Court. For a more complete review of the Consent Decree, GBB's work to date as Receiver and the various orders of the Court including the order dated October 22, 2008 please visit www.guamsolidwastereceiver.org.

II. Qualified Financial Institutions

To be qualified for selection, a financial institution must submit documentation that it meets at least one of the following criteria:

1. Be a bank organized and operating under the National Banking Laws as a national bank;
2. Be a bank or territorial bank organized under the laws of any state or territory of the United States authorized and licensed to conduct the business of banking in Guam; or
3. Be a savings and loan association organized under the laws of Guam which is an insured institution as defined in Title IV of the National Housing Act.

III. Scope of Services

1. Act as custodian for \$20,000,000 to be deposited by the Government of Guam on January by January 5, 2009 and any additional deposits ordered by the Court for the purpose of implementing the Consent Decree;
2. Collateralize the funds in the account in accordance with 5 GCA § 21114, a copy of which is attached;
2. Pay interest on the daily balance in the account at a rate equal to or greater than the highest interest rate it pays for comparable business related accounts and manage the funds in a manner to ensure that cash is available on a daily basis to fund payments properly authorized pursuant to procedures established by the Receiver and approved by the Court;
3. Make payments in accordance with procedures established by the Receiver and approved by the Court;
4. Provide reports of daily payment activity electronically to those designated by the Receiver, including the Court and the Government of Guam;
5. Provide monthly statements for all activity on the accounts to those designated by the Receiver, the Court and the Government of Guam;
6. Provide online access to account information to those designated by the Receiver and approved by the Court;
7. Cooperate with a firm to be named by the Receiver and approved by the Court, for the purpose of conducting quarterly reviews of activities and transactions in this account; and
8. Such other banking and trustee services as are reasonably related to the forgoing scope of services and are requested by the Receiver and approved the Court.

IV. Evaluation Criteria

Three evaluators will evaluate each proposal according to the following factors and their relative importance designated by a number of points totaling 100 per evaluator:

1. 25 points -Experience providing similar services to similar sized accounts. Please provide a written description of the financial institution's experience in providing the kind of services outlined in the scope of services section. Please provide a description of the services provided and the size of the accounts, the length of time these services have been provided for at least 3 such accounts for different organizations. If possible please disclose the name of the organization and a contact name and number with whom we may speak.
2. 25 points - The existence of a formal trust department within the financial institution. Please describe the history of the trust department, the range of services provided and a general description of the client base (i.e. individuals, businesses, governments, non-profit organizations, etc);
3. 10 points - The training and experience of the officer of the financial institution who will have primary responsibility for the account. Please attach a resume.
4. 15 points - References. Please provide a list of at least 3 relevant references willing to speak with the evaluators. Please provide full contact information.
5. 25 points - The cost of services. The fee schedule outlined in the Section V will be evaluated against a model of expected transaction volumes to determine the evaluated cost of services.

V. Fee Request

Please provide a schedule of proposed compensation on the attached form. Please delineate the fees for each service listed.

All proposals must be sent to and received by GBB and Public Financial Management, Inc., serving as financial advisor to the Receiver no later than the **close of business December 18, 2008**. Proposals are to be submitted by email to:

hgershman@gbbinc.com; dmanninggbb@gmail.com; and daniell@pfm.com.

All questions should be directed to Ms. Daniel at (901) 682-8356 or daniell@pfm.com. Your prompt attention to this request is appreciated.

Attachment I

**Gershman, Brickner & Bratton, Inc. (GBB) in its capacity as Receiver for the
Solid Waste Management Division of the Department of Public Works of the
Government of Guam**

**TRUSTEE SERVICES
RFP RESPONSE FORM**

In an effort to objectively evaluate proposed fees and charges for these services, GBB requests you fill in and include this response form.

FEES FOR SERVICES

1. Initial Acceptance Fee: \$ _____

2. Annual Administration Fee: \$ _____

3. Disbursement Fee: \$ _____

4. Investment Fees: \$ _____

5. Outside Counsel, if any (one time fee; please discuss and provide not to exceed amount): \$ _____

6. Out of Pocket Expenses (Itemize and Explain):
\$ _____
\$ _____
\$ _____

7. Other charges not identified in the RFP, including, but not limited to, other transaction charges, (please give amount and description with explanation on addendum): \$ _____

8. Please provide **total** estimated initial and annual fees for transaction
Initial \$ _____
Annual \$ _____

Attachment II

§ 21114. Security of Deposits.

Deposits or investment certificates insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation do not require further security. To be eligible to receive or retain other active or inactive deposits, an eligible bank shall place with, or to the accounts of, the government of Guam, as security for such deposits, securities of a type herein below specified, and approved by the Director of Administration, in an amount in value at least ten percent in excess of the amount of monies deposited with the bank:

- (a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and in interest;
- (b) Any evidence of indebtedness of the government of Guam;
- (c) Investment certificates of the Federal Home Loan Bank;
- (d) Such other securities as may be hereafter approved by the Director of Administration and the Governor of Guam.

SOURCE: GC § 6313 amended by P.L. 13-104:1.