

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
90-36 (COR)	James C. Moylan	AN ACT TO AMEND § 5248 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING MONTHLY REPORTS AND JUSTIFICATION SUMMMARIES WHEN PURCHASES ARE MADE THROUGH A SOLE SOURCE OR EMERGENCY PROCUREMENT PROCESS.	3/19/21 8:39 a.m.						

***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 90-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO AMEND § 5248 OF CHAPTER 5, TITLE 5,  
GUAM CODE ANNOTATED, RELATIVE TO  
REQUIRING MONTHLY REPORTS AND  
JUSTIFICATION SUMMARIES WHEN PURCHASES  
ARE MADE THROUGH A SOLE SOURCE OR  
EMERGENCY PROCUREMENT PROCESS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that § 5248 of 5 GCA mandates that the General Services Agency provide annual  
4 reports to *I Liheslaturan Guåhan* when it comes to any procurement which was  
5 transacted through a sole source or emergency procurement process. It is also at  
6 this point, that the report is made available for public inspection.

7 With over \$660 million in federal funds being provided to the government of  
8 Guam, courtesy of the American Recovery Plan, it is a fair assessment that many  
9 purchases will be made under the premise of a sole source or emergency  
10 procurement, and unfortunately the public will be unaware of these transactions  
11 until the first quarter of 2022. The 2020 report, inclusive of a number of expenses  
12 from the federal CARES Act was provided to *I Liheslaturan Guåhan* on March 15,  
13 2021, and contains several questionable expenses which may warrant a legislative  
14 oversight hearing.

1 Mandating monthly reports would provide a frequency in the public's  
2 understanding of how taxpayer dollars are being expended. It could also reduce  
3 questionable expenditures in the long run, as public scrutiny and/or oversights  
4 would take place more frequently versus the following year, hence any problematic  
5 transactions could be rectified at the onset. Further this Act promotes a greater  
6 level of transparency by requiring justification summaries for agencies in outlining  
7 how a purchase was qualified as a sole source or emergency procurement.

8 This Act does not take away an agency's authority in pursuing a sole source  
9 or emergency procurement when justified, rather it assures that accountability is in  
10 place by establishing a more rigid and routine reporting requirement.

11 **Section 2.** § 5248 of Chapter 5, Title 5, Guam Code Annotated, is hereby  
12 *amended* to read as follows:

13 **§ 5248. Record of Procurement Actions Taken Under §§ 5214 and 5215**  
14 **of this Chapter.**

15 (a) Contents of Record. The Chief Procurement Officer or the  
16 Director of Public Works *shall* maintain a record listing of all  
17 contracts made under § 5214 or § 5215 of this Chapter for a minimum  
18 of five (5) years. The record *shall* contain:

19 (1) each contractor's name;

20 (2) the amount and type of each contract; ~~and~~

21 (3) a listing of the supplies, services or construction  
22 procured under each contract; and-

23 (4) a summary justifying how the procurement  
24 transaction was determined to be a Sole Source Procurement or  
25 an Emergency Procurement, pursuant to this Chapter.

1 (b) Submission to Legislature. A copy of such record *shall* be  
2 submitted to the Legislature on an monthly ~~annual~~ basis. The record  
3 *shall be* available for public inspection.

4 **Section 3. Severability.** If any provision of this Act or its application to  
5 any person or circumstance is found to be invalid or contrary to law, such  
6 invalidity *shall not* affect other provisions or applications of this Act that can be  
7 given effect without the invalid provision or application, and to this end the  
8 provisions of this Act are severable.

9 **Section 4. Effective Date.** The Act *shall* be effective upon enactment.