EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

OCT 17 2018

Vice Speaker Therese M. Terlaje
34GL-18-2461
OCT 23 2018
Time: 10:37am
Received by: CY

Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Madam Speaker:

Transmitted herewith is Bill No. 279-34 (COR), **"AN ACT *AMEND* §§ 5110, 5111, AND 5112(a) OF SUBARTICLE B, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL SERVICES AGENCY AND THE CHIEF PROCUREMENT OFFICER,"** which was signed on October 17, 2018, as **Public Law 34-132.**

Senseramente,

EDDIE BAZA CALVO

2018 OCT 23 PM 12:28

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 279-34 (COR), "AN ACT TO *AMEND* §§ 5110, 5111, AND 5112(a) OF SUBARTICLE B, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL SERVICES AGENCY AND THE CHIEF PROCUREMENT OFFICER,"** was on the 4th day of October 2018, duly and regularly passed.

Therese M. Terlaje
Acting Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5th day of OCTOBER, 2018, at 1:08 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: OCT 17 2018

Public Law No. 34-132

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 279-34 (COR)
As amended on the Floor.

Introduced by: Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* §§ 5110, 5111, AND 5112(a) OF SUBARTICLE B, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL SERVICES AGENCY AND THE CHIEF PROCUREMENT OFFICER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Public Accountability (OPA) has performed an audit on the General Services Agency (GSA) procurement practices in Report No. 17-05, November 2017. Through this report the OPA has concluded that GSA's practices on "*Procurement planning did not comply with Guam Procurement Law and*

Regulations; Competitive sealed bids did comply with Guam Procurement Law and Regulations based on 11 POs related to nine competitive sealed bids tested; and small purchases, sole source, and emergency procurements did not comply with Guam Procurement Law and Regulations based on 29 POs tested."

I Liheslaturan Guåhan also finds through the same report, that although the Department of Administration (DOA) Director is accountable for the Department, Guam procurement laws and regulations places procurement responsibilities with the Chief Procurement Officer (CPO).

Therefore, *I Liheslaturan Guåhan* intends to give the DOA Director oversight of the CPO's actions and accountability with audits.

Section 2. § 5110 of Subarticle B, Article 2, Chapter 5, Title 5, Guam Code Annotated, is *amended* to read:

"**§ 5110. Creation of the General Services Agency.**

There is within the Department of Administration the General Services Agency headed by the Chief Procurement Officer. The Chief Procurement Officer *shall* be uniquely responsible for the supervision and procurement of supplies and services as provided in this Chapter without interference from the Director of Administration. The Chief Procurement Officer *shall* be accountable to the Director of Administration for the management and administration of the General Services Agency."

Section 3. § 5111 of Subarticle B, Article 2, Chapter 5, Title 5, Guam Code Annotated, is *amended* to read:

"**§ 5111. Qualifications of the Chief Procurement Officer.**

The Director of Administration *shall* establish minimum qualifications for the position of Chief Procurement Officer consistent with the critical procurement and management requirements of that office. Such qualifications *shall* consist of theoretical and practical knowledge of and experience with

the specialized subject matter of governmental procurement activities, and the Guam Procurement Law in particular, as well as theoretical and practical knowledge of and experience with management and best practices of the internal operational practices and responsibilities of the General Services Agency."

Section 4. § 5112(a) of Subarticle B, Article 2, Chapter 5, Title 5, Guam Code Annotated, is *amended* to read:

"(a) Tenure and Removal. The Chief Procurement Officer holds a critical management position within the Department of Administration, but *shall* be a full-time classified employee, and may be removed from office in accordance with the procedures and causes of the Personnel Law, 4 GCA Chapter 4, Article 2, and for any cause specified in this Chapter. Recurrent failure to materially comply with management responsibilities, as determined by the Director of Administration, *shall* be cause for termination or other action as provided in the Personnel Law, but no adverse action shall be taken except in the manner provided in the Personnel Law."

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