I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 279-34 (COR) As amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **October 4, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**	✓					
Senator FRANK B. **AGUON, JR.**					✓	✓
Senator William M. **CASTRO**	✓	I				
Senator James V. **ESPALDON**	✓	II				
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**	✓					
Senator Telena Cruz **NELSON**	✓					
Senator Dennis G. **RODRIGUEZ, JR.**	✓					
Senator Joe S. **SAN AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**					✓	✓
Acting Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**					✓	✓
TOTAL:	**11**				**3**	**3**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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2018 (SECOND) Regular Session

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

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Introduced by: Thomas C. Ada

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.