LOURDES A. LEON GUERRERO
Governor
JOSHUA F. TENORIO
Lieutenant Governor

GUAM BEHAVIORAL HEALTH & WELLNESS CENTER
790 Gov. Carlos G. Camacho Rd.
Tamuning, Guam 96913
TEL: (671) 647-5330
FAX: (671) 649-6948

THERESA C. ARRIOLA
Director
CARISSA E. PANGELINAN
Deputy Director

March 3, 2020

3561-20-1635
Speaker Tina Rose Muña Barnes

MAR 0 6 2020
Time 2:28 ( )AM ( )PM
Received By: Maff

2020 MAR -6 PM 2:38

Honorable Tina Muna Barnes
Speaker, 35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Buenas yan Hafa Adai Honorable Speaker:

Submitted herewith is Guam Behavioral Health and Wellness Center's (GBHWC) February 2020 report per Public Law 34-35, Relative to Small Purchases.

Should you have any questions, please contact my office at 647-1901.

Un Dangkolo Na Si Yu'os Ma'ase.

Carissa E. Pangelinan
Acting Director

1635

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER
P.L. 34-35, Relative to Small Purchases
Reporting Month: February 2020

Requisition/PO#	Description	Amount
Q202300075/P206A02536	2-Day Clinical Training on Diagnostic and Statistical Manual of Mental Disorders (DSM-5)	$23,126.14
Q202300099	3-Day and 2 each 5-Day Mental Health First Aid Training of Trainers	$126,000.00
Q202300100	Hotel Venue for Mental Health First Aid Trainings	$19,725.00
Q202300102	Psychiatric Beds and Mattresses - Inpatient Detox Unit (III.7)	$22,778.00
Q202310077	Blanket Purchase Agreement - Implementation of Summer Prevention Program (Selective Strategy)	$24,999.00
Q202310079	Blanket Purchase Agreement - Mental Health Awareness and Promotion Services (Universal Strategy)	$24,999.99
Q202320043	Office Space Rental - Child/Adolescent Services Division (June-September 2020)	$34,310.72

Debbie Paulino

From: Theresa Arriola
Sent: Friday, February 28, 2020 4:50 PM
To: Debbie Paulino; Carissa Pangelinan
Cc: Lorraine Solang
Subject: Fw: Monthly Reports Due in Compliance with P.L. 34-35, Relative to Small Purchases
Attachments: Memo To All Agency Heads Re_P.L. 34-35 Small Purchases.pdf

Deb,
Moving forward please ensure we are in compliance.
Submit for Feb 2020 no later than close of business Friday next week please.

Thanks.

Un Dankalu na Saina Ma'ase (Thank you),

THERESA C. ARRIOLA, MBA
Director

Guam Behavioral Health and Wellness Center
790 Gov. Carlos G. Camacho Road
Tamuning, Guam 96913
671. 647.1901 w
671. 482.9231 m
Theresa.arriola@gbhwc.guam.gov

From: Michele Brillante <mbrillante@guamopa.com>
Sent: Friday, February 28, 2020 4:09 PM
Cc: BJ Cruz; Vincent Duenas; Michele Brillante
Subject: Monthly Reports Due in Compliance with P.L. 34-35, Relative to Small Purchases

To: All Directors, Administrators, Presidents, and Heads of Line Agencies, Public Corporations, the Mayors'Council of Guam, the Judiciary of Guam, and I Liheslaturan Guåhan

The Office of Public Accountability (OPA) would like to remind all Government of Guam (GovGuam) agency heads of the law provisions with respect to small purchases. In summary, Title 5 Guam Code Annotated (GCA), Chapter 5, §5213, defines "small purchases" as any procurement that does not exceed $25,000 for supplies or services, and does not exceed $100,000 for construction. Section 5213 also warns that procurement requirements must not be artificially divided so as to qualify for "small purchase" procedures under Guam Procurement Law.

To control the risk of artificial small purchases, Public Law (P.L.) 34-35 added a reporting requirement to 5 GCA §5213, relative to small purchases. The law requires that the Chief Procurement Officer, the Department of Public Works Director, or the agency head making small purchases submit **monthly** reports to the Speaker of the Guam Legislature, disclosing any procurement exceeding $15,000 for supplies and services or exceeding $50,000 for construction. Whether or not these procurement thresholds are exceeded, monthly reports should be submitted.

It has come to the Public Auditor's attention that only three agencies have replied to this reporting requirement since it was signed into law on August 7, 2017 – Guam International Airport Authority (GIAA), Guam Power Authority (GPA), and Guam Solid Waste Authority (GSWA). No other GovGuam agencies have responded to this reporting requirement, including OPA. Furthermore, a review of the submitted reports reveals identical (or similar) supplies, services, or construction that were split among two or more vendors and/or different months with costs at (or closely below) the $25,000 or $100,000 threshold. While not conclusive, it is suggestive of an artificial division of procurement. For reference on the only reports submitted relative to P.L. 34-35, small purchases, please see the Guam Legislature's website.

Should you have any questions, please contact me at (671) 475-0390 ext. 217. Thank you.

Michele Brillante
Accountability Auditor

Office *of* Public Accountability - Guam
"Auditing for Good Governance"

Main: 475-0390 ext. 217 | Fax: 472-7951 | Hotline: 472-8348
Website @ www.opaguam.org

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OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 DNA Building, 238 Archbishop Flores Street, Hagåtña, Guam 96910
Tel (671) 475-0390 · Fax (671) 472-7951 · Hotline: 47AUDIT (472-8348)
www.opaguam.org

February 28, 2020

To: **All Directors, Administrators, Presidents, and Heads of Line Agencies, Public Corporations, the Mayors' Council of Guam, the Judiciary of Guam, and I Liheslaturan Guåhan**

From: **Benjamin J.F. Cruz, Public Auditor**

Re: **Monthly Reports Due in Compliance with P.L. 34-35, Relative to Small Purchases**

The Office of Public Accountability (OPA) would like to remind all Government of Guam (GovGuam) agency heads of the law provisions with respect to small purchases. In summary, Title 5 Guam Code Annotated (GCA), Chapter 5, §5213, defines "small purchases" as any procurement that does not exceed $25,000 for supplies or services, and does not exceed $100,000 for construction. Section 5213 also warns that procurement requirements must not be artificially divided so as to qualify for "small purchase" procedures under Guam Procurement Law.

To control the risk of artificial small purchases, Public Law (P.L.) 34-35 added a reporting requirement to 5 GCA §5213, relative to small purchases. The law requires that the Chief Procurement Officer, the Department of Public Works Director, or the agency head making small purchases submit **monthly** reports to the Speaker of the Guam Legislature, disclosing any procurement exceeding $15,000 for supplies and services or exceeding $50,000 for construction. Whether or not these procurement thresholds are exceeded, monthly reports should be submitted.

It has come to my attention that only three agencies have replied to this reporting requirement since it was signed into law on August 7, 2017 – Guam International Airport Authority (GIAA), Guam Power Authority (GPA), and Guam Solid Waste Authority (GSWA). No other GovGuam agencies have responded to this reporting requirement, including OPA. Furthermore, a review of the submitted reports reveals identical (or similar) supplies, services, or construction that were split among two or more vendors and/or different months with costs at (or closely below) the $25,000 or $100,000 threshold. While not conclusive, it is suggestive of an artificial division of procurement. For reference on the only reports submitted relative to P.L. 34-35, small purchases, please see the Guam Legislature's website.

Should you have any questions, please contact Michele Brillante at (671) 475-0390 ext. 217. Thank you.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 49-34 (COR), "AN ACT TO *AMEND* § 5213 OF SUBARTICLE B, ARTICLE 3, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO SMALL PURCHASES,"** was on the 26th day of July 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 27th day of July, 2017, at 1:55 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: AUG 07 2017

Public Law No. 34-35

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 49-34 (COR)
As substituted by the Committee on Environment, Agriculture, Land and Procurement Reform; and amended on the Floor.

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

AN ACT TO *AMEND* § 5213 OF SUBARTICLE B, ARTICLE 3, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO SMALL PURCHASES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 5213 of Subarticle B, Article 3, Chapter 5, Division 1, Title 5, Guam Code Annotated, is *amended* to read:

"**§ 5213. Small Purchases.**

Any procurement *not* exceeding Twenty-five Thousand Dollars ($25,000) for supplies or services, and *not* exceeding One Hundred Thousand Dollars ($100,000) for construction, may be made in accordance with small

Doc. No. 34GL-17-0875.

Doc. No. 35GL-20-1635.

purchase procedures promulgated by the Policy Office; provided, however, that procurement requirements *shall not* be artificially divided so as to constitute a small purchase under this Section. The Chief Procurement Officer, the Director of the Department of Public Works, or the head of an agency utilizing this Section, *shall* submit a report to the Speaker of *I Liheslaturan Guåhan* monthly as to procurement exceeding Fifteen Thousand Dollars ($15,000) for supplies and services, or exceeding Fifty Thousand Dollars ($50,000) for construction, pursuant to this Section."

Section 2. Effective Date. This Act *shall* be effective upon enactment.

Doc. No. 34GL-17-0875.

Doc. No. 35GL-20-1635.