

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
8-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor	Jesse A. Lujan Joanne Brown Telo T. Taitague Christopher M. Dueñas Joe S. San Agustin Sabina Flores Perez Dwayne T. D. San Nicolas Chris Barnett Thomas J. Fisher Frank Blas, Jr. Amanda L. Shelton Therese M. Terlaje Tina Rose Muña Barnes William A. Parkinson	AN ACT TO ADD A NEW §5221, §5222, §5223, § 5224, and § 5225 TO SUBARTICLE B OF ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, ENSURING THE ONLINE ACCESSIBILITY AND TIMELY POSTING OF ANY AND ALL GOVERNMENT OF GUAM INVITATIONS FOR BIDS (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ON A DEDICATED GOVERNMENT WEBSITE.	1/17/23 8:44 a.m.	1/17/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 1/18/23 2/2/23	2/23/23 9:00 a.m.	4/5/23 4:55 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES	
	4/24/23	AN ACT TO ADD A NEW §5221, §5222, §5223, § 5224, and § 5225 TO SUBARTICLE B OF ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, ENSURING THE ONLINE ACCESSIBILITY AND TIMELY POSTING OF ANY AND ALL GOVERNMENT OF GUAM INVITATIONS FOR BIDS (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ON A DEDICATED GOVERNMENTWEBSITE.	4/28/23	5/1/23	5/12/23	37-12	5/12/23	Received: 5/12/23 Messages and Communications Doc. No. 37GL-23-0523	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

May 12, 2023

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

37GL-23-0523
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

05-12-2023

Time: 6:21 pm
Received: [Signature]

Re: Bill No. 8-37 (COR) - AN ACT TO ADD A NEW § 5221, § 5222, § 5223, § 5224, and § 5225 TO SUBARTICLE B OF ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, ENSURING THE ONLINE ACCESSIBILITY AND TIMELY POSTING OF ANY AND ALL GOVERNMENT OF GUAM INVITATIONS FOR BIDS (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ON A DEDICATED GOVERNMENT WEBSITE

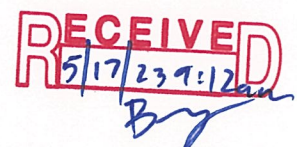
Hafa Adai Madame Speaker,

For the reasons provided below, Bill No. 8-37 will lapse into law without my signature, because it adds yet another layer of bureaucracy to the procurement announcement process by requiring the creation of the "Procurement Announcement Website," which simply provides hyperlinks to documents already posted on agency websites.

Guam law currently requires that procurement notices be posted on a procuring agency's website. For General Services Agency ("GSA") or Department of Public Works ("DPW")-led procurements, which account for most government of Guam procurements for goods and services, and construction, announcements are posted on both the procuring agency's website and the GSA or DPW's website.

Additionally, the Government Public Notices Portal, which the Office of Technology ("OTECH") maintains, further contains a "Procurement Notices" tab, which is utilized by both line and autonomous agencies and allows the public to view the complete procurement announcement for any agency.

Bill 8-37 now requires OTECH to create yet another website that is required to simply provide a link to other websites before the actual procurement documents and notices are provided. In the case of GSA or DPW-led procurements, it creates redundancy upon redundancy for no meaningful purpose.



To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: May 12, 2023
Re: Bill No. 8-37 (COR) nka P.L. 37-12


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This bill also violates the principle of separation of powers, by requiring the Judiciary of Guam, an independent branch of the government of Guam pursuant to the Organic Act, to comply with Executive Branch requirements to process procurements. Interestingly, the Guam Legislature does not believe it should be subject to the same “transparency” requirements in its own procurements, as it exempts itself from the online publication requirements it imposes on other branches of the government as in this bill.

While my Administration aims to improve agency processes, Bill 8-37 does not encourage efficiency and transparency or open government, but rather, adds another layer of bureaucracy on critical processes already stymied by legislatively imposed layers of bureaucracy.

For these reasons, Bill No. 8-37 (COR) will lapse into law without my signature as ***Public Law 37-12***.

Senseremente,


LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

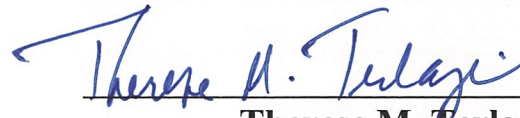
Enclosure: Bill No. 8-37 (COR) *nka P.L. No. 37-12*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 8-37 (COR), "AN ACT TO ADD A NEW §5221, §5222, §5223, § 5224, and § 5225 TO SUBARTICLE B OF ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, ENSURING THE ONLINE ACCESSIBILITY AND TIMELY POSTING OF ANY AND ALL GOVERNMENT OF GUAM INVITATIONS FOR BIDS (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ON A DEDICATED GOVERNMENT WEBSITE,"** was on the 28th day of April 2023, duly and regularly passed.



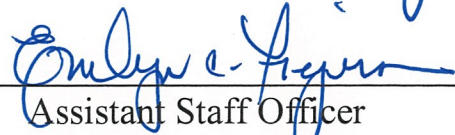
Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1 day of May,
2023, at 12:46 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

LAPSE

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 5/12/2023

Public Law No. 37-12

Evelyn Fejeran

RCVD AT CENTRAL F
MAY 1 '23 PM12:47

2023-19187

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 8-37 (COR)

As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor.

Introduced by:

Jesse A. Lujan
Joanne Brown
Telo T. Taitague
Christopher M. Dueñas
Joe S. San Agustin
Sabina Flores Perez
Dwayne T. D. San Nicolas
Chris Barnett
Thomas J. Fisher
Frank Blas, Jr.
Amanda L. Shelton
Therese M. Terlaje
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata

AN ACT TO *ADD* A NEW §5221, §5222, §5223, § 5224, and § 5225 TO SUBARTICLE B OF ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, ENSURING THE ONLINE ACCESSIBILITY AND TIMELY POSTING OF ANY AND ALL GOVERNMENT OF GUAM INVITATIONS FOR BIDS (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ON A DEDICATED GOVERNMENT WEBSITE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that as it currently stands, there is no official website in existence that may be
4 accessed online, by the public in regards to viewing all Invitations For Bids (IFBs)

1 or Requests For Proposals (RFPs) in one place. Under the principles of a transparent
2 and open government, this legislation is to establish an internet-centric public service
3 for the people of Guam in regards to viewing all and any Requests For Proposals
4 (RFPs) and Invitations For Bids (IFBs) that are announced by the Government of
5 Guam. Presently, there exists a website for all public notices, spearheaded by the
6 Governor's Office of Technology. This legislation adds a new §5221, §5222, §5223,
7 §5224, and §5225 to Subarticle B, Article 3, Chapter 5, Title 5, Guam Code
8 Annotated, thus amending the Guam Procurement Law. And in doing so, amend by
9 expanding the law to read that the Office of Technology shall establish, secure and
10 maintain a web-based system for Government of Guam agencies to accurately
11 publish in a manner consistent with Chapter 8 of this title, any and all Invitations For
12 Bids (IFBs) and Requests For Proposals (RFPs) on the officially recognized Public
13 Notices Portal of the Government of Guam. The announcements shall be posted on
14 the website at the same time as the posting on the respective agency's website and
15 the newspaper postings.

16 **Section 2.** § 5221, §5222, §5223, §5224, and §5225 of Subarticle B, Article
17 3, Chapter 5, Title 5, Guam Code Annotated is hereby *added* to read as follows:

18 **“§ 5221. Procurement Announcement Website.**

19 The Government of Guam Office of Technology shall create or cause
20 to create an Executive branch-wide website known as the “Procurement
21 Announcement Website” that contains the descriptions of the goods, services,
22 or construction to be procured, announcement dates, the closing dates, and
23 hyperlinks for all Invitations for Bids (IFB) and Requests for Proposals (RFP)
24 procurement solicitations of departments, agencies, instrumentalities and
25 public corporations of the Executive Branch of the Government of Guam
26 inclusive of autonomous agencies enumerated in 12 GCA, including the
27 Guam Visitor's Bureau and the Judiciary of Guam. The website shall also

1 include procurement solicitations of the Guam Department of Education, the
2 University of Guam, the Guam Community College and the Guam Election
3 Commission.

4 The Government of Guam Office of Technology shall implement or
5 cause to implement the requisite systems to afford procuring agencies the
6 capability of posting to the Procurement Announcement Website. This
7 website and its underlying systems shall conform to internationally
8 recognized information security controls, standards and best practices, or at
9 least National Institute of Standards and Technology (NIST) standards,
10 guidelines and requirements for cloud-based services.

11 **§ 5222. Posting of Information on the Procurement**
12 **Announcement Website.**

13 The Guam General Services Agency, the Department of Public Works
14 and all other purchasing agencies, with procurement authority, shall post all
15 IFB and RFP procurement solicitations, on their respective websites. The
16 Guam General Services Agency, the Department of Public Works and all
17 other purchasing agencies with procurement authority shall also post the
18 required procurement information, *infra*, on the Procurement Announcement
19 Website by the end of the business day, on the same date that the procurement
20 solicitation is publicly announced. The following information shall be posted
21 on the Procurement Announcement website for each procurement solicitation:

22 (a) The solicitation's announcement name, a unique
23 designation for the Procurement Announcement Website and the
24 closing date of the solicitation hyperlinked to their matching
25 procurement solicitations on the source agencies' websites;

26 (b) A general description of the goods, services, or
27 construction being procured;

1 (c) The name of the procuring agency hyperlinked to the
2 procuring agency's official website;

3 (d) The name, position title, phone number and email address
4 for at least one procurement-certified primary point of contact for the
5 solicitation;

6 (e) Any other relevant information pertaining to the solicitations
7 including special requirements and conditions; and

8 (f) Any related notices or pertinent information.

9 **§ 5223. Length of Time for Posts on Procurement**
10 **Announcement Website.**

11 All information required to be posted on the Procurement
12 Announcement Website shall be posted for the same amount of time the
13 information is required to be posted on the General Services Agency's, the
14 Department of Public Works' and the purchasing agency's websites.

15 **§ 5224. Administrative Rules and Regulations.**

16 The Director of Administration shall promulgate administrative rules
17 and regulations pursuant to the provisions of Chapter 9, Title 5 Guam Code
18 Annotated consistent with this Act.

19 **§ 5225. Retention of Procurement Records.**

20 All procurement records shall be retained and disposed of pursuant to
21 § 5247, Chapter 5, Title 5 Guam Code Annotated."

22 **Section 3. Effective Date.** This Act shall be effective one hundred twenty
23 (120) days following enactment.