

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
119-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor	Sabina Flores Perez Chris Barnett Telo T. Taitague Therese M. Terlaje Joanne Brown William A. Parkinson Thomas J. Fisher Amanda L. Shelton Jesse A. Lujan Frank Blas, Jr. Christopher M. Dueñas Tina Rose Muña Barnes Roy A. B. Quinata Joe S. San Agustin Dwayne T.D. San Nicolas	AN ACT TO <i>REPEAL</i> ARTICLE 14 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, AND TO <i>ADD</i> A NEW PART G OF ARTICLE 2 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVITALIZING THE GUAM PROCUREMENT ADVISORY COUNCIL TO MODERNIZE PROCUREMENT IN ORDER TO PROMOTE PUBLIC CONFIDENCE AND ACHIEVE BEST VALUE IN SERVICE TO OUR COMMUNITY.	5/16/23 10:08 a.m.	5/17/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 5/17/23 Waiver: 6/2/23	2/15/24 9:00 a.m.	3/5/24 1:54 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.	DATE SIGNED	NOTES	
3/18/24	AN ACT TO <i>REPEAL</i> ARTICLE 14 AND <i>ADD</i> A NEW SUBARTICLE G TO ARTICLE 2 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVITALIZING THE GUAM PROCUREMENT ADVISORY COUNCIL TO MODERNIZE PROCUREMENT IN ORDER TO PROMOTE PUBLIC CONFIDENCE AND ACHIEVE BEST VALUE IN SERVICE TO OUR COMMUNITY.	3/22/24	3/22/24	4/3/24	37-88	4/3/24	Received: 4/3/24 Messages and Communications Doc. No. 37GL-24-1887		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

April 3, 2024

The Hon. Therese M. Terlaje
Speaker, I Mina 'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

31GL-24-1887
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

APR 03 2024

Time: 4:14 pm
Received: *[Signature]*

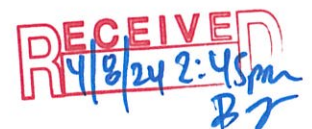
Re: Substitute Bill No. 119-37 (COR) - AN ACT TO REPEAL ARTICLE 14 AND ADD A NEW SUBARTICLE G TO ARTICLE 2 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVITALIZING THE GUAM PROCUREMENT ADVISORY COUNCIL TO MODERNIZE PROCUREMENT IN ORDER TO PROMOTE PUBLIC CONFIDENCE AND ACHIEVE BEST VALUE IN SERVICE TO OUR COMMUNITY

Håfa Adai Madam Speaker,

Substitute Bill No. 119-37 (COR) reactivates the Guam Procurement Advisory Council, an inactive advisory council established for the purpose of researching and providing recommendations to improve and modernize government procurement and contracting. The bill reduces the membership of the council from eleven (11) voting members to seven (7), composed of important stakeholder agencies with knowledge and experience in procurement practices and an understanding of advancements in procurement occurring in other jurisdictions, which will enable the Council to recommend forward-thinking measures that will update and enhance existing policies and operations.

The legislation also requires annual reports to the Governor and the Speaker of *I Liheslaturan Guåhan* and assigns new duties to the Council, including developing best practices and standard operating procedures, making recommendations for training and certification of procurement professionals, and implementing environmentally-friendly procurement within the government of Guam.

It is my hope that reactivating and focusing the Council will support ongoing efforts to modernize our procurement laws and processes, and enable our government to maximize purchases, reduce unnecessary spending, enhance transparency, and protect our environment.



To: Therese M. Terlaje, Speaker
Fr: Lourdes A. Leon Guerrero, Governor of Guam
Date: April 3, 2024
Re: Substitute Bill No. 119-37 (COR)

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For these reasons, I am signing Substitute Bill No. 119-37 (COR) into law as ***Public Law 37-88***.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

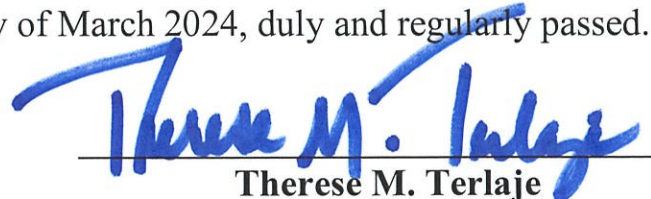
Enclosure(s): Substitute Bill No. 119-37 (COR) nka P.L. 37-88

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

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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

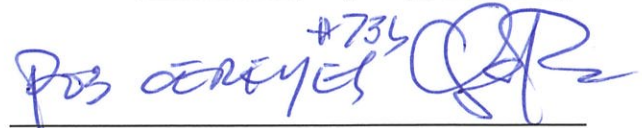
This is to certify that **Substitute Bill No. 119-37 (COR)**, “AN ACT TO *REPEAL ARTICLE 14 AND ADD A NEW SUBARTICLE G TO ARTICLE 2 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVITALIZING THE GUAM PROCUREMENT ADVISORY COUNCIL TO MODERNIZE PROCUREMENT IN ORDER TO PROMOTE PUBLIC CONFIDENCE AND ACHIEVE BEST VALUE IN SERVICE TO OUR COMMUNITY,*” was on the 22nd day of March 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22ND day of MARCH,
2024, at 8:22 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/3/2024

Public Law No. 37-88

2024-21276
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Jomichael C. Quinata
Date: 3/25/24 Time: 8:29 AM

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

Bill No. 119-37 (COR)

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

Introduced by:

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

**AN ACT TO *REPEAL* ARTICLE 14 AND *ADD* A NEW
SUBARTICLE G TO ARTICLE 2 OF CHAPTER 5, TITLE
5, GUAM CODE ANNOTATED, RELATIVE TO
REVITALIZING THE GUAM PROCUREMENT
ADVISORY COUNCIL TO MODERNIZE
PROCUREMENT IN ORDER TO PROMOTE PUBLIC
CONFIDENCE AND ACHIEVE BEST VALUE IN
SERVICE TO OUR COMMUNITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that procurement is an essential function of government operations in order to

1 provide needed services to the community on a timely manner, to facilitate the
2 implementation of federal programs and maximize the use of federal funds, to
3 provide opportunities to the private sector in a fair manner, and to promote public
4 confidence in proper and transparent use of public funds.

5 *I Liheslatura* further finds that the Guam Procurement Advisory Council,
6 which serves an essential role to evaluate and to make recommendations for
7 improvement of procurement on a continuous basis, is in need of focusing its
8 membership and updating initiatives to encourage and support the development and
9 implementation of or to institutionalize best practices, including supporting
10 ecological procurement choices, throughout our government.

11 *I Liheslatura* finds that it is recommended, for purposes of maintaining the
12 structure of the Procurement Act consistent with the structure of the Model
13 Procurement Code, that Article 14 of Chapter 5, 5 GCA be repealed and included as
14 a new Subarticle G of Article 2, Chapter 5, 5 GCA, rather than an additional Article
15 in the Chapter.

16 Therefore, *Liheslaturan Guåhan* intends to revitalize the Guam Procurement
17 Advisory Council to modernize and institutionalize best practices in procurement
18 throughout the government of Guam in order to promote public confidence and
19 achieve best value in service to our community.

20 **Section 2.** Article 14 of Chapter 5, Title 5, Guam Code Annotated, is hereby
21 *repealed*.

22 **Section 3.** Article 2 of Chapter 5, Title 5, Guam Code Annotated, is hereby
23 *amended* to read:

24 **“ARTICLE 2**

25 **PROCUREMENT ORGANIZATION**

26 Subarticle A. Procurement Policy Office.

27 Subarticle B. General Services Agency.

- 1 Subarticle C. Organization of Public Procurement.
2 Subarticle D. Guam Procurement Regulations.
3 Subarticle E. Coordination, Training and Education.
4 Subarticle F. Duties of the Attorney General.
5 Subarticle G. Guam Procurement Advisory Council.”

6 **Section 4.** A new Subarticle G is hereby *added* to Article 2 of Chapter 5,
7 Title 5, Guam Code Annotated, to read:

8 **“SUBARTICLE G**

9 **GUAM PROCUREMENT ADVISORY COUNCIL**

- 10 § 5900. Guam Procurement Advisory Council.
11 § 5901. Composition.
12 § 5902. Duties.
13 § 5903. Limitations.
14 § 5904. Reports.
15 § 5905. Administration.
16 § 5906. Guam Procurement Advisory Council Support Fund.
17 **§ 5900. Guam Procurement Advisory Council.**

18 There is hereby established within the government of Guam, the Guam
19 Procurement Advisory Council (Council) to research, evaluate, analyze,
20 review and make recommendations to improve, address and modernize
21 government procurement and contracting.

22 **§ 5901. Composition.**

- 23 (a) The Council shall be comprised of the following members:
24 (1) the Chief Procurement Officer or his/her designee;
25 (2) the Director of Public Works or his/her designee;
26 (3) the Attorney General of Guam or his/her designee;
27 (4) the Public Auditor or his/her designee;

- 1 (5) the Director of Administration or his/her designee;
2 (6) the President of the Guam Community College or his/her
3 designee; and
4 (7) the procurement officer from an agency with decentralized
5 procurement or from an autonomous agency appointed for a term of
6 three (3) years by *I Maga'hågan/Maga'låhen Guåhan*.

7 (b) The Council shall meet at least biannually. The first biannual meeting
8 shall be called by the Director of Administration in the first quarter of the fiscal year.

9 (c) Council shall elect its chairperson based on the majority of members
10 present.

11 **§ 5902. Duties.**

12 The Council is authorized to perform the following duties:

13 (a) to conduct studies, research and analysis on all matters
14 relating to the effectiveness, responsiveness and timeliness of
15 government procurement, including the review and comparison with
16 model procurement code legislation and consultation with division
17 heads, school principals and other mid-level managers, and end users
18 of government procured goods and services;

19 (b) to critically examine the substantive and procedural
20 aspects of the Guam Procurement Act and existing administrative rules
21 and regulations governing procurement, including the legal authorities,
22 composition, and effectiveness of the Procurement Policy Office;

23 (c) to review the legal infrastructure of the government
24 procurement system to ensure the uniformity of law, regulation and
25 practice;

26 (d) to propose recommendations for the improvement,
27 streamlining, and modernization and the use of “best value” and

1 “performance based” methods as the basis for evaluation of
2 government procurement activities;

3 (e) to make recommendations and identify methods to address
4 new industries and technologies and financial systems, while
5 maintaining the general principles of procurement law;

6 (f) to review and provide advice on any aspect of law,
7 regulation or policy that affect procurement, including laws and
8 processes not directly found in the Guam Procurement Act;

9 (g) to review the statutes and process for procurement appeals
10 and recommend improvements;

11 (h) to make recommendations for best practices and standard
12 operating procedures for planned procurement, writing specifications,
13 market research, solicitation, drafting and managing contracts,
14 maintenance of procurement records, and other aspects of the
15 procurement process;

16 (i) to make recommendations for training and/or certification
17 of procurement professionals, including, but not limited to, developing
18 and updating curriculum, developing online training of the trainer
19 programs, and establishing a Guam Procurement Institute for the
20 training and education of public and private sector participants in
21 government contracting;

22 (j) to make recommendations for implementing green
23 procurement within the government of Guam under the advisement of
24 the Guam Energy Office, the Guam Power Authority, the Guam
25 Environmental Protection Agency, the University of Guam Center for
26 Island Sustainability, and/or other government of Guam entities; and

1 (k) to make recommendations for policies and procedures
2 pertaining to procurement that utilize federal funds.

3 **§ 5903. Limitations.**

4 The Council shall not have any executive participation in the day-to-
5 day implementation of the Guam Procurement Act. It shall not have any
6 executive, legislative, or adjudicative review authority over procurement
7 matters.

8 **§ 5904. Reports.**

9 The Council shall provide annual reports to the Speaker of *I*
10 *Liheslaturan Guåhan* and *I Maga'hågan/Maga'låhen Guåhan*.

11 **§ 5905. Administration.**

12 (a) The Council shall have the authority to retain professional and
13 support staff to assist it with its duties, and shall designate an Administrative
14 Director. However, the Director of Administration shall provide and
15 coordinate administrative support services to the Council from the
16 Department of Administration.

17 (b) The Office of *I Maga'hågan/Maga'låhen Guåhan* (the Governor
18 of Guam), the Office of the Attorney General of Guam, the Office of Public
19 Accountability, and other executive branch agencies may provide, loan or
20 transfer resources to the Council to support its operations.

21 **§ 5906. Guam Procurement Advisory Council Support Fund.**

22 There is hereby established a Guam Procurement Advisory Council
23 Support Fund (Fund) to be maintained by the Director of Administration. *I*
24 *Maga'hågan/Maga'låhen Guåhan* and the Director of Administration are
25 authorized to transfer amounts into the Fund to support the operations of the
26 Council. Any legislative appropriations to support the operations of the
27 Council shall be deposited into the Guam Procurement Advisory Council

1 Support Fund. The Chief Procurement Officer is authorized to transfer funds
2 from the Special Surplus Property Fund to support the operations of the Guam
3 Procurement Advisory Council.”

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