

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2021 (FIRST) Regular Session**  
**VOTING RECORD**

Bill No. 90-36 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building May 28, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	√					
Senator Frank Blas Jr.	√					
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telen Cruz Nelson	√					
Senator Sabina Flores Perez	√					
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Senator Jose "Pedo" Terlaje	√					
Speaker Therese M. Terlaje	√					
Senator Mary Camacho Torres		√				

**TOTAL**

**14**

**1**

Aye

Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNAE V. C. MENO  
 Clerk of the Legislature

I = Pass

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**2021 (FIRST) Regular Session**

**Bill No. 90-36 (COR)**

As amended on the Floor.

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Introduced by:

James C. Moylan  
Sabina Flores Perez  
Therese M. Terlaje  
Joanne Brown  
V. Anthony Ada  
Christopher M. Dueñas  
Frank Blas Jr.  
Joe S. San Agustin  
Telo T. Taitague

**AN ACT TO *AMEND* § 5248 OF SUBARTICLE G,  
ARTICLE 3, CHAPTER 5, TITLE 5, GUAM CODE  
ANNOTATED, RELATIVE TO REQUIRING MONTHLY  
RECORDS AND JUSTIFICATION REPORTS WHEN  
PURCHASES ARE MADE THROUGH A SOLE SOURCE  
OR EMERGENCY PROCUREMENT PROCESS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that § 5248 of Subarticle G, Article 3, Chapter 5, Title 5, Guam Code Annotated,  
4 mandates that the General Services Agency provide annual reports to *I Liheslaturan*  
5 *Guåhan* when it comes to any procurement which was transacted through a sole  
6 source or emergency procurement process. It is also at this point that the report is  
7 made available for public inspection.

1 With over Six Hundred Sixty Million Dollars (\$660,000,000) in federal funds  
2 being provided to the government of Guam through the *American Rescue Plan*, it is  
3 a fair assessment that many purchases will be made under the premise of a sole  
4 source or emergency procurement; and, unfortunately, the public will be unaware of  
5 these transactions until the first quarter of 2022. The 2020 report, which includes a  
6 number of expenses from the federal CARES Act, was provided to *I Liheslaturan*  
7 *Guåhan* on March 15, 2021, and contains several questionable expenses that may  
8 warrant a legislative oversight hearing.

9 Mandating monthly reports would provide a consistent understanding of how  
10 taxpayer dollars are being spent and could also reduce questionable expenditures in  
11 the long run, as public scrutiny or oversight would take place more frequently. Thus,  
12 any problematic transactions could be rectified from the outset. Further, this Act  
13 promotes a greater level of transparency by requiring justification reports by  
14 agencies outlining how a purchase was qualified as a sole source or emergency  
15 procurement and does not take away an agency’s authority in pursuing a sole source  
16 or emergency procurement when justified; rather, it ensures that accountability is in  
17 place by establishing a more rigid and routine reporting requirement.

18 **Section 2.** § 5248 of Subarticle G, Article 3, Chapter 5, Title 5, Guam Code  
19 Annotated, is hereby *amended* to read as follows:

20 **“§ 5248. Record of Procurement Actions Taken Under §§ 5214**  
21 **and 5215 of this Chapter.**

22 (a) Contents of Record. The Chief Procurement Officer, the  
23 Director of Public Works, all autonomous agencies and public  
24 corporations, or the head of an agency utilizing this Section shall  
25 maintain a record listing of all contracts made under §§ 5214 and 5215  
26 of this Chapter for a minimum of five (5) years. The record shall  
27 contain:

- 1 (1) each contractor's name;
- 2 (2) the amount and type of each contract;
- 3 (3) a listing of the supplies, services or construction
- 4 procured under each contract; and
- 5 (4) a report detailing the justification as to why the
- 6 procurement transaction was determined to be a sole source
- 7 procurement or an emergency procurement and the funding
- 8 source used, pursuant to this Chapter.

9 (b) Submission to Legislature. A copy of such record shall be  
10 submitted to the Legislature on a monthly basis. The record shall be  
11 available for public inspection.”

12 **Section 3. Severability.** If any provision of this Act or its application to any  
13 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
14 not affect other provisions or applications of this Act that can be given effect without  
15 the invalid provision or application, and to this end the provisions of this Act are  
16 severable.

17 **Section 4. Effective Date.** This Act shall be effective upon enactment.