

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 119-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; substituted; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 22, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

15

0

Not
Voting/
Abstained

Out
During
Roll Call

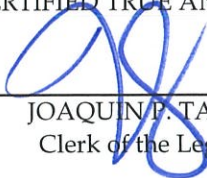
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Absent

0

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN TAITAGUE
Clerk of the Legislature

I = Pass

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.

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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 TO 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:

- 1 Subarticle A. Procurement Policy Office.
- 2 Subarticle B. General Services Agency.
- 3 Subarticle C. Organization of Public Procurement.
- 4 Subarticle D. Guam Procurement Regulations.
- 5 Subarticle E. Coordination, Training and Education.
- 6 Subarticle F. Duties of the Attorney General.
- 7 Subarticle G. Guam Procurement Advisory Council.”

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

10 **“SUBARTICLE G**

11 **GUAM PROCUREMENT ADVISORY COUNCIL**

- 12 § 5900. Guam Procurement Advisory Council.
- 13 § 5901. Composition.
- 14 § 5902. Duties.
- 15 § 5903. Limitations.
- 16 § 5904. Reports.
- 17 § 5905. Administration.
- 18 § 5906. Guam Procurement Advisory Council Support Fund.
- 19 **§ 5900. Guam Procurement Advisory Council.**

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

24 **§ 5901. Composition.**

- 25 (a) The Council shall be comprised of the following members:
 - 26 (1) the Chief Procurement Officer or his/her designee;
 - 27 (2) the Director of Public Works or his/her designee;

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

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

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

13 **§ 5902. Duties.**

14 The Council is authorized to perform the following duties:

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

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

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

1 (d) to propose recommendations for the improvement,
2 streamlining, and modernization and the use of “best value” and
3 “performance based” methods as the basis for evaluation of
4 government procurement activities;

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

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

11 (g) to review the statutes and process for procurement appeals
12 and recommend improvements;

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

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

24 (j) to make recommendations for implementing green
25 procurement within the government of Guam under the advisement of
26 the Guam Energy Office, the Guam Power Authority, the Guam

1 Environmental Protection Agency, the University of Guam Center for
2 Island Sustainability, and/or other government of Guam entities; and

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

5 **§ 5903. Limitations.**

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

10 **§ 5904. Reports.**

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

13 **§ 5905. Administration.**

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

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

23 **§ 5906. Guam Procurement Advisory Council Support Fund.**

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

1 Council. Any legislative appropriations to support the operations of the
2 Council shall be deposited into the Guam Procurement Advisory Council
3 Support Fund. The Chief Procurement Officer is authorized to transfer funds
4 from the Special Surplus Property Fund to support the operations of the Guam
5 Procurement Advisory Council.”

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