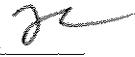


I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 3A-3A (COR)

Introduced by:

Thomas C. Ada 

**AN ACT TO AMEND § 5127 OF CHAPTER 5, TITLE 5
GUAM CODE ANNOTATED, RELATIVE TO
LEGISLATIVE APPROVAL REQUIRED FOR
EXCEPTIONAL TERM CONTRACTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 5127 of Chapter 5, Title 5, Guam Code Annotated, is hereby
amended to read as follows:

“(a) Public Real Property and Related Facilities. From the effective date of this law, and notwithstanding any other provision of law, no commercial contract, lease, permit or license for use of public real property, and related facilities, shall be solicited, negotiated, entered into, or made for a term in excess of five years. This *shall* include any extensions, options and renewals. Any contract, lease, permit or license made, renewed or extended in violation of this law *shall* become void upon the 5th anniversary of the making of such contract, lease, permit or license. This limitation *shall not* apply to residential and agricultural leases to beneficiaries under the *Chamorro* Land Trust.

(b) Exceptional Term Contracts. The Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency, as

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1 authority may exist therefore, may solicit a contract for a term longer than
2 otherwise allowed by this Section (an “Exceptional Term Contract”).
3 Prior to soliciting any Exceptional Term Contract, *I Maga’lahi* (the
4 Governor) or, in the case of an autonomous agency, the Board of
5 Directors, *shall* make a written Determination of Need justifying by a
6 quantifiable sum an Exceptional Term Contract, and specifying the full
7 term, inclusive of extensions, options and renewals, for such contract, and
8 provide a copy of such Determination of Need to the Speaker of *I*
9 *Liheslaturan Guåhan*. No Exceptional Term Contract shall be solicited
10 *unless* a Determination of Need is obtained from *I Maga’lahi* (the
11 Governor) or, in the case of an autonomous agency, the Board of
12 Directors.

13 (c) Prior to transmitting a Determination of Need to the Speaker
14 of *I Liheslaturan Guåhan*, a notice of solicitation *shall* be published as
15 provided in § 5211(c) of Subarticle B of Article 3 of this Chapter, such
16 notice to conspicuously note the solicitation is for an Exceptional Term
17 Contract, and specifying the term thereof, as well as the date of the proper
18 Determination of Need. Any Exceptional Term Contract made in
19 violation of this Subsection *shall* be void.

20 (d) Legislative Approval Required for Exceptional Term
21 Contracts. Subsequent to satisfying the requirements of § 5127, the
22 commercial contract, lease, permit or license for use of public real
23 property and related facilities shall be transmitted to the Speaker of *I*
24 *Liheslaturan Guåhan* for approval or disapproval, in whole. If *I*
25 *Liheslaturan Guåhan* takes no action to approve or disapprove within ~~60~~
26 45 calendar days from the date of filing with the Speaker, the commercial

1 contract, lease, permit or license shall be deemed approved by *I*
2 *Liheslaturan Guåhan*. A public hearing ~~shall~~ may be conducted by *I*
3 *Liheslatura* ~~(the Legislature)~~ the Chairperson of the Legislative
4 Committee having oversight jurisdiction during the ~~60~~ 45-day review
5 period and shall report its findings and recommendations to *I Liheslaturan*
6 *Guåhan* at the next Legislative session. Recommendation for Legislative
7 approval shall be by enactment into law. Recommendation for Legislative
8 disapproval shall be by Resolution.

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