



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

DEC 01 2009

2009 DEC -2 PM 2:32M

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 220-30(COR) "AN ACT TO AMEND §5150, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT" which I signed into law on November 27, 2009 as **Public Law 30-72**.

Sins eru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

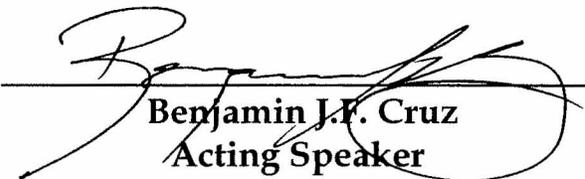
Attachment: copy of Bill

30-~~74~~⁰⁹⁻²⁷
12/02/09
10-

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

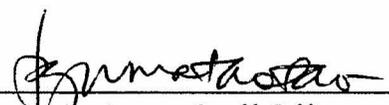
This is to certify that **Bill No. 220-30 (LS)**, "AN ACT TO AMEND §5150, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT," was on the 13th day of November, 2009, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:


Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov., 2009, at
4:25 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 27 Nov 2009

Public Law No. 30-72

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 220-30 (LS)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
R. J. Respicio
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §5150, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO THE DUTIES OF THE
ATTORNEY GENERAL IN PROCUREMENT
OVERSIGHT AND ADVISEMENT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there exists a need for greater scrutiny in the preparation of bid documents and
4 in the awarding of bids for major purchases and contracts for services. *I*
5 *Liheslatura* finds that such involvement of the Office of the Attorney General in
6 the procurement process would ensure proper and expeditious procurement of

1 goods and services and would minimize protests of bid awards and allow for a
2 more expeditious procurement process.

3 *I Liheslatura* further finds that Guam stands to lose considerable amounts of
4 federal funding due to questionable procurement practices. It is the intent of *I*
5 *Liheslatura*, therefore, to ensure the fair and equitable treatment of all who are
6 involved in the procurement process and to preserve the integrity of the
7 procurement system.

8 **Section 2.** §5150 of Chapter 5 of Title 5, Guam Code Annotated, is hereby
9 *amended* to read:

10 **“§5150. Duties of the Attorney General.** The Attorney General,
11 the Deputy Attorney General *or* such Assistant Attorneys General as the
12 Attorney General may designate, *shall* serve as legal counsel and provide
13 necessary legal services to the Policy Office and the General Services
14 Agency. Whenever the Chief Procurement Officer, the Director of Public
15 Works, or the head of any executive branch agency, autonomous agency,
16 instrumentality or public corporation of the government of Guam conducts
17 any solicitation or procurement which is estimated to result in an award of
18 Five Hundred Thousand Dollars (\$500,000) or more, the Attorney General
19 *shall* act as legal advisor during all phases of the solicitation or procurement
20 process. The Attorney General *shall*, in addition, when he approves
21 contracts, determine *not* only the correctness of their form, but their legality.
22 In making such a determination of legality, he *may* require any *or* all
23 agencies involved in the contract to supply him with evidence that the
24 required procedures precedent to executing the contract were carried out.
25 He *may* prescribe the forms and format required to be followed by the
26 agencies in aiding him in his determination of form and legality.”

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Date: Nov. 13, 2009

VOTING SHEET

Bill No. 220-30(LS)

Resolution No. _____

Question: _____

| NAME | YEAS | NAYS | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | ABSENT |
|-----------------------------------|------|------|--------------------------|-------------------------|--------|
| ADA, Thomas C. | ✓ | | | | |
| AGUON, Frank B., Jr. | | | | | EA |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CALVO, Edward J.B. | ✓ | | | | |
| CRUZ, Benjamin J. F. | ✓ | | | | |
| ESPALDON, James V. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MUNA-BARNES, Tina Rose | ✓ | | | | |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RECTOR, Matthew | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| TAITAGUE, Telo | ✓ | | | | |
| TENORIO, Ray | | | | | |
| WON PAT, Judith T. | ✓ | | | | |

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

**Thirtieth
Guam Legislature**

**Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:**

**Senator Adolpho B. Palacios, Sr.
Chairman**

**Senator Ray Tenorio
Vice Chairman**

**Speaker Judith T. Won Pat
Member**

**Senator Thomas C. Ada
Member**

**Senator Frank B. Aguon, Jr.
Member**

**Senator Matt Rector
Member**

**Senator Edward J.B. Calvo
Member**

**Senator James V. Espaldon
Member**

Other Committee Membership:

- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Vice Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Member, Committee on Rules
- Member, Committee on Education

October 16, 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker

I Mina'Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 220-30 (LS)

2009 OCT 23 PM 2:31
WUP

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 220-30 (LS)** "AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT," – sponsored by Vice Speaker Benjamin J. F. Cruz, and referred to the Committee on Public Safety, Law Enforcement & Senior Citizens.

Committee votes are as follows:

| | |
|---------------|--------------------|
| <u> 1 </u> | TO PASS |
| <u> </u> | NOT TO PASS |
| <u> 6 </u> | TO REPORT OUT ONLY |
| <u> </u> | ABSTAIN |
| <u> </u> | INACTIVE FILE |

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairperson

Attachments



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**

**SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN**

I Mina'Trenta na Liheslaturan Guåhan

**COMMITTEE
REPORT
ON**

**BILL NO. 220-30 (LS)
Senator Benjamin J.F. Cruz**

**"AN ACT TO AMEND 5 GCA §5150 RELATIVE TO
THE DUTIES OF THE ATTORNEY GENERAL IN
PROCUREMENT OVERSIGHT AND ADVISEMENT."**



**Thirtieth
Guam Legislature**

**Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:**

**Senator Adolpho B. Palacios, Sr.
Chairman**

**Senator Ray Tenorio
Vice Chairman**

**Speaker Judith T. Won Pat
Member**

**Senator Thomas C. Ada
Member**

**Senator Frank B. Aguon, Jr.
Member**

**Senator Matt Rector
Member**

**Senator Edward J.B. Calvo
Member**

**Senator James V. Espaldon
Member**

Other Committee Membership:

- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Vice Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Member, Committee on Rules
- Member, Committee on Education

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

October 8, 2009

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Senior Citizens

FROM: Senator Adolpho B. Palacios, Sr. 
Committee Chairman

SUBJECT: Committee Report on Bill No. 220-30 (LS).

Transmitted herewith for your consideration is the Committee Report on **Bill No. 220-30 (LS)** – “An act to amend 5 GCA §5150 relative to the duties of the Attorney General in procurement oversight and advisement” sponsored by Senator Benjamin J.F. Cruz.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 220-30 (LS)
- Public Hearing Sign-in Sheet
- Copy of COR Referral of Bill No. 220-30 (LS)
- Notices of Public Hearing
- Copies of related documents
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Attachments

Office/Mailing Address: 155 Hesler Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR. CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

COMMITTEE VOTING SHEET:

Bill No. 220-30 (LS): "AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND ADVISEMENT."

Table with 7 columns: SENATOR, SIGNATURE, TO PASS, NOT TO PASS, TO REPORT OUT ONLY, ABSTAIN, INACTIVE FILE. Rows include Adolpho B. Palacios, Sr. Chairman, Ray Tenorio Vice Chairman, Speaker Judith T. Won Pat Member, Thomas C. Ada Member, Frank B. Aguon, Jr. Member, Matt Rector Member, Edward J.B. Calvo Member, and James V. Espaldon Member.



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**

**SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN**

I Mina'Trenta na Liheslaturan Guåhan

PUBLIC HEARING

**BILL NO. 220-30(LS) AN ACT TO AMEND 5 GCA §5150 RELATIVE TO
THE DUTIES OF THE ATTORNEY GENERAL IN PROCUREMENT
OVERSIGHT AND ADVISEMENT**

I. OVERVIEW

The Committee on Public Safety, Law Enforcement, & Senior Citizens convened the public hearing on September 15, 2009. Hearing began at 10:00am on Bill No. 220-30(LS). Notices of the hearing were disseminated to all local media outlets via facsimile on September 2 and on September 10, 2009, pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Committee Members and Senators present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Benjamin J.F. Cruz
Senator Thomas C. Ada
Senator Vicente C. Pangelinan

Individual(s) Registered for oral or written testimony:

1. Dr. Ron McNinch, Oral Testimony, In Favor
2. Attorney Phil Tydingco, Deputy Attorney General, Oral Testimony, In Favor
3. Alicia Limtiaco, Attorney General of Guam, Oral & Written Testimony, In Favor
4. Attorney Pat Mason, AG's Office, Oral Testimony, In Favor

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, and Senior Citizens to order at 11:15am, welcomed and introduced Senators present.

Chairman Palacios recognized the author of the bill, Senator B.J. Cruz, who gave a brief presentation of the bill. Senator Cruz requested that the Attorney General be the lone speaker from the Attorney General's office.

Chairman Palacios called those who are present to testify.

Ms. Alicia Limtiaco, Attorney General of Guam, Oral & Written Testimony, In Favor
Attorney General Limtiaco read her written testimony aloud. Some of the highlights of her testimony include: Giving some recommendations for language and the role of the Attorney General or the designee of the Attorney General in terms of the procurement process. On the second page, after further discussion with GSA, the threshold begins at \$500,000.00 instead of \$200,000. Another is that there must be a government attorney assigned and employed with the office for the procurement process. We recommend the hiring of a legal secretary and also request an appropriation for funding for these positions. We have isolated this to \$200,000.00 for these individuals. We recommend timelines in the procurement appeals. There are no concrete timelines, appeals and records at this time. Also what has been discussed in the past is the consideration of the centralization of the procurement office. There were concerns raised, especially from autonomous agencies, to keep their power. *(Please see Written Testimony attached)*

Senator Cruz commended the AG's office for all the work in putting this legislation forward and being in communication with his office. He asked if the AG to provide the chairman for the cost associated with the procurement process. It is a costly issue to mitigate these issues and it would help us to show the time spent in the procurement process. Senator Cruz stated that "I don't have any question and your recommendations are well taken. I know that our procurement law is an amalgamation of other laws. I have heard from some people who are suggesting that we incorporate the entire federal procurement process as our procurement law and regulations because there is already a body of law that determines what it means. There may be nuances that still need to be legislated. Does anyone want to speak on adopting the Federal Procurement process or would it be a whole another nightmare.

Ms. Alicia Limtiaco stated that during the roundtable discussion, this issue came up. We already have a growing law. It is my recollection that there was no final decision at the roundtable participants, but there would be certain pieces of procurement law that must be revisited such as the Procurement Policy Board. Would there be a change in the make up of the Policy board, i.e. Private business, etc. Our position is that over time, having an assisted attorney general who is in charge of this, who is trained in this area should address some of the concerns we have. There has been case law that has been developed over time and must be revisited because they are decades old. Having a person in charge of procurement would lessen the load for us.

Senator Cruz stated that it was my understanding that we neglected to include such as the Policy Board. Would the office be willing to submit to me or the Chairman other recommendations to add to the procurement law? Would this be possible?

Attorney Pat Mason, Deputy Attorney General, Oral Testimony, In Favor

Yes, but it will take time in order to offer recommendations to the Legislature. There are holes in the procurement process now and we have looked to the Federal law and tried to follow it. We would have to take the case law and fill in the holes. However, there is a question of conflict with jurisdiction of who can be contracted and who cannot. If we see these holes, we would fill this with Federal Regulations guidelines.

Senator Cruz

Wouldn't it be better to adopt the Federal Regulations on Procurement or do we build a new house? It would be seem that it would be in our best interest to adopt those Federal guidelines because of the impending military buildup despite my objections to it.

Mr. Pat Mason

We did confer with one Federal Retired Agent that we don't need the complication of the Federal Process, but we could go to them for some input.

Ms. Alicia Limtiaco

There was no black and white response because some had issues and there was no consensus at the round table meeting. Our office did a preliminary review of the ADA procurement laws and we haven't adopted the recent amendments to the Federal Guidelines. There are some differences in some areas where other jurisdictions did not adopt. We can discuss this with some Federal Representatives at a later time. Even from the Federal perspective, it may not be wholly advisable to adopt the guidelines at the moment.

Senator Cruz

Do we have enough time to re-write our procurement laws or would it make sense to have one system for the process. How long would it take to get those amendments into our own Procurement laws on Guam.

Ms. Alicia Limtiaco

It would take us sometime to see what issues would exist there or to continue on with the review in looking at our rules and regulations. The rules and regulations are very complex and we need a dedicated attorney for the procurement review. We would need someone to be focused on this project in order to do a good job. This is the best information that we can give you at this time. We did an initial review and we utilized one of our personnel. To revisit it, it would take a long time.

Senator Pangelinan

One of the amendments that you suggested was to take out the Attorney General to review all bids. Was this followed for all the recent protests?

Mr. Pat Mason

We did a contract. When you submit this contract you submit this with the procurement process. The way it is now, it is not the same. But for the bill, it is implemented.

Ms. Alicia Limtiaco

We wanted to make sure that the Government Attorney do the negotiating, but allow the Procurement officer to make that decision. We wanted to make sure that there wouldn't be any confusion.

Senator Pangelinan

Why would you take out the issue of bids?

Ms. Alicia Limitiaco

This would include the review and to show the process to provide language that encompasses the whole process.

Senator Pangelinan

Why would you limit the review process to over \$200,000.00

Ms. Alicia Limtiaco

The procurement process is expensive and there is a lot of review that goes into the procurement process and what the awards would be. The larger procurements that tend to become an issue are those that are of \$500,000.00 or more. In a realistic sense, we didn't want a government attorney to take up all this time in review.

Senator Pangelinan

This is where a lot of favoritism occurs and fraudulent activity for smaller bids. I see the value, but I also see the magnitude of reviewing the procurement process.

Ms. Alicia Limtiaco

If we had a group of council who could review it, it would be wonderful, but it takes so much time for one lawyer to review one procurement contract.

Mr. Pat Mason

There must be some form of standardization for the process as it was discussed in the roundtable discussions. The September 15th letter shows some of the concerns that you have with regards to the centralization.

Ms. Alicia Limtiaco

One of the problems that we run into is that we have good people and then they leave or retire. However, with increased training, there will be some consistency.

Senator Pangelinan

I saw a flyer of GTAT out of the University of Guam that has a program with regards to assisting students in understanding the process of procurement. Was this related to you or was it a military build-up thing?

Mr. Phil Tydingco, Deputy Attorney General, Oral Testimony, In Favor

I believe what you are talking about is related to the military buildup. The issue is centralization and it is an old and argued by the autonomous agencies. I don't think he or she is restricted.

Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 11:50am.

III. WRITTEN TESTIMONIES

Attorney General Alicia Limitaco, Written Testimony, In Favor, received on September 15, 2009 via hand-delivery.

Attorney General Limtiaco read her written testimony aloud. Some of the highlights of her testimony include: Giving some recommendations for language and the role of the Attorney General or the designee of the Attorney General in terms of the procurement

proces. On the second page, after further discussion with GSA, the threshold begins at \$500,000.00 instead of \$200,000. Another is that there must be a government attorney assigned and employed with the office for the procurement process. We recommend the hiring of a legal secretary and also request an appropriation for funding for these positions. We have isolated this to \$200,000.00 for these individuals. We recommend timelines in the procurement appeals. There are no concrete timelines, appeals and records at this time. Also what has been discussed in the past is the consideration of the centralization of the procurement office. There were concerns raised, especially from autonomous agencies, to keep their power.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, & Senior Citizens finds that Bill No. 220-30 (LS) will ensure fair and equitable treatment of all who are involved in the procurement process and to preserve the integrity of the procurement system. The bill would allow the Attorney General to review all bids and invitations for bids for over two hundred thousand dollars (\$200,000.00) and shall participate in the process of awarding any bid over two hundred thousand dollars (\$200,000.00).

Accordingly, the Committee on Public Safety, Law Enforcement, & Senior Citizens to which **Bill No. 220-30(LS)** was referred does hereby submit its findings and recommendations to *I Mina'Trenta na Liheslaturan Guåhan* **TO REPORT OUT ONLY** Bill No. 220-30 (LS), "An act to amend 5 CA §5150 relative to the duties of the Attorney General in procurement oversight and advisement."

**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

2009 AUG 19 PM 12:03mc

Bill No. 220-34 (LS)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE
ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND
ADVISEMENT.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there exists a need for greater scrutiny in the preparation of bid documents and
4 in the awarding of bids for major purchases and contracts for services. *I*
5 *Liheslatura* finds that such involvement of the Office of the Attorney General in
6 the procurement process would ensure proper and expeditious procurement of
7 goods and services and would minimize protests of bid awards and allow for a
8 more expeditious procurement process.

9 *I Liheslatura* further finds that Guam stands to lose considerable amounts of
10 federal funding due to questionable procurement practices. It is the intent of *I*
11 *Liheslatura*, therefore, to ensure the fair and equitable treatment of all who are
12 involved in the procurement process and to preserve the integrity of the
13 procurement system.

1 **Section 2.** §5150 of Chapter 5 of Title 5, Guam Code Annotated is hereby
2 amended to read:

3 **“§ 5150. Duties of the Attorney General.**

4 The Attorney General, the Deputy Attorney General or such Assistant
5 Attorneys General as the Attorney General may designate, shall serve as
6 legal counsel and provide necessary legal services to the Policy Officer and
7 the General Services Agency. The Attorney General shall, in addition, when
8 he approves contracts, determine not only the correctness of their form, but
9 their legality. In making such a determination of form for major purchases
10 and contracts for services, the Attorney General shall review all bids and
11 invitations for bids for over \$200,000.00 and shall participate in the process
12 of awarding any bid over \$200,000.00. In making such a determination of
13 legality, he may require any or all agencies involved in the contract to
14 supply him with evidence that the required procedures precedent to
15 executing the contract were carried out. He may prescribe the forms and
16 format required to be followed by the agencies in aiding him in his
17 determination of form and legality.”

18 **Section 3.** This Act shall be effective upon enactment.



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Gudhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

TUESDAY, SEPTEMBER 15, 2009

Bill No. B220-30 (LS) – An act to amend 5 GCA §5150 relative to the duties of the Attorney General in procurement oversight and advisement. – by Vice Speaker Benjamin J. F. Cruz.

| NAME (Please Print) | AGENCY/ ORGANIZATION (If any) | SUPPORT? ✓ | OPPOSE? ✓ | WRITTEN TESTIMONY ✓ | ORAL TESTIMONY ✓ | CONTRACT NUMBER | EMAIL ADDRESS |
|------------------------|-------------------------------------|---------------|--------------|------------------------|---------------------|--------------------|----------------------|
| Ryan Mendivil | DOE | ✓ | | ✓ (with Sabina) | ✓ AM | 488 8989 | govgen@ gmail.com |
| Alicia Lindico | ABO | ✓ | | ✓ | ✓ | | |
| Pat Moran | ABO | ✓ | | ✓ | ✓ | | |
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Alicia G. Limtiaco
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

Office of the Attorney General

August 21 , 2009

The Honorable Benjamin B. F. Cruz
Vice Speaker, Thirtieth Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Bill No. 220-30 (LS)
(Reference No. LEG09-0820)

Dear Senator Cruz:

Thank you for giving us the opportunity to comment on Bill No. 220-30 (LS).

As we indicated during our last telephone conference yesterday, I am forwarding to you our suggested changes to 5 GCA § 5150 as it appears in Bill No. 220-30 (LS). The underscoring and strike-outs in the paragraph below are our suggested changes to § 5150 as it appears in the bill:

§ 5150. Duties of the Attorney General.

The Attorney General, the Deputy Attorney General or such Assistant Attorneys General as the Attorney General may designate, shall serve as legal counsel and provide necessary legal services to the Policy Officer Office and the General Services Agency. Whenever the Chief Procurement Officer, the Director of Public Works, or the head of any purchasing agency conducts any solicitation or procurement which is estimated to result in an award of \$200,000 or more, the Attorney General shall act as legal advisor during all phases of the solicitation or procurement process. The Attorney General shall, in addition, when he approves contracts, determine not only the correctness of their form, but their legality. ~~In making such a determination of form for major purchases and contracts for services, the Attorney General shall review all bids and invitations for bids for over \$200,000.00 and shall participate in the process of awarding any bid over \$200,000.00.~~ In making such a determination of legality, he may require any or all agencies involved in the contract to supply him with evidence that the required procedures precedent to executing the contract were carried out. He may prescribe the forms and format required to be followed by the agencies in aiding him in his determination of form and legality.

Letter to Vice Speaker Benjamin J. F. Cruz
August 21, 2009
Ref: LEG 09-0820
Page 2 of 2 Pages

If you would like to further discuss our suggested changes, please feel free to call General Limtiaco or me any time.



J. PATRICK MASON
Deputy Attorney General
Civil Litigation and Solicitors Division

Alicia G. Limtiaco
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

Office of the Attorney General

September 15, 2009

Hon. Benjamin B. F. Cruz
Vice Speaker, Thirtieth Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Recommendations for Government Procurement
(Reference No. LEG09-0820)

Dear Senator Cruz:

Thank you for giving us the opportunity to provide the Legislature with recommendations regarding the Guam Procurement Law and the government's procurement practices.

Over the past few years, we attended several roundtable discussions on procurement chaired by former Senator Frank Ishizaki. These roundtable discussions were well attended by both the private and public sectors, including the Chief Procurement Officer (CPO) of the General Services Agency (GSA) and the procurement officers of other government agencies, as well as various private vendors.

The following are recommendations based on these roundtable meetings and as discussed with the GSA CPO:

1. A government attorney should be assigned to the GSA on a full-time permanent basis to represent the GSA in all legal matters. The attorney would be employed as an Assistant Attorney General by the Office of the Attorney General (OAG), but assigned to work at the GSA in accordance with an intra-governmental agreement to be entered into between the OAG and the GSA. In addition to the attorney, a legal secretary and office equipment including a desk, computer, and other necessary supplies would be needed. The estimated costs for the recruitment and hiring of an attorney and a legal secretary, and the purchasing of necessary equipment and supplies, would be \$200,000. The base pay and benefits for the attorney and legal secretary assigned to the GSA would require an appropriation to either the OAG or the GSA. The attorney and legal secretary would be supervised by the OAG.
2. The GSA, with the assistance of the Assistant Attorney General assigned to the GSA, will standardize procurement within the government.
3. The GSA, with the assistance of the Assistant Attorney General assigned to the GSA,

would conduct regular training for the procurement officers and staff of all government agencies, including line agencies and autonomous agencies. The training would be to ensure that a standardized procurement process is used throughout the government by all agencies.

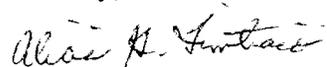
4. In an effort to utilize the expertise of government officials involved in the procurement process, and to avoid any conflicts that may arise with the Office of Public Accountability (OPA), the procurement appeals board would be comprised of three of the following: the Chief Procurement Officer, the Director of Public Works, and the procurement officers of those agencies exempted from the government's centralized procurement system. Currently, the exempted agencies include the University of Guam, the Guam Community College, the Department of Education, and the Guam Memorial Hospital Authority. The board could work on a rotational basis. As an alternative to a procurement appeals board, the OPA could be given a hearing officer on a full-time permanent basis who would be employed by the OPA.

5. Concrete time frames should be set for the submission of the procurement record and the hearing of procurement appeals.

6. The government's procurement should be centralized without exceptions for any agency, to ensure consistency and to preserve the integrity of the procurement process. Doing so will prevent different practices and interpretations, and vendors should not have to adjust their manner of responding because they are dealing with different government agencies. One recommendation in response to the resource limitations and shortages of the GSA would be to have the procurement officers of the agencies supervised by the GSA CPO, and have them relocated to the GSA office to the extent possible.

Finally, regarding Bill No. 220-30 (LS), we forwarded to you on August 21, 2009 a letter of the same date containing our suggested changes to 5 GCA § 5150 as it appeared in the bill. We later discussed with you that our Office had conferred with the GSA CPO regarding the above recommendations and raising the threshold for review by the OAG from \$200,000 to \$500,000. The OAG respectfully requests the change to the threshold amount, and consideration and inclusion of the above recommendations. At a minimum, it is critical given the resource limitations and shortages of the OAG, that appropriate funding be made available for the hiring of an Assistant Attorney General and a legal secretary to be assigned to the GSA, and for the purchasing of necessary equipment and supplies as discussed in paragraph 1.

Sincerely,



ALICIA G. LIMTIACO
Attorney General

cc: Hon. Adolpho B. Palacios, Sr., Committee on Public Safety, Law Enforcement, and Senior Citizens
Hon. Vicente C. Pangelinan, Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land
Chief Procurement Officer, GSA



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
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**Adolpho B. Palacios, Sr.
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**Vicente C. Pangelinan
SENATOR**

**Matthew Rector
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

August 20, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 219-30(LS) – 220-30(LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 219-30(LS) - 220-30(LS).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2009 AUG 24 AM 9:22 hr

I Mina' Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

| Bill No. | Sponsor(s) | Title | Date Intro | Date Referred | Committee Referred | Public Hearing Date | Date Committee Report Filed | Status (Date) |
|-----------------|--|---|-----------------------|---------------|---|---------------------|-----------------------------|---------------|
| B219-30 (LS) | E. J. B. Calvo, Ray Tenorio, B.J.F. Cruz, Judith T. Won Pat, Ed.D., T. R. Muna Barnes, Telo Taitague, Frank F. Blas, Jr., F. B. Agnon, Jr. | An act to add a new chapter 72 to 9GCA relative to bias-motivated crimes. | 8/19/09 12:01 p.m. | 8/20/09 | Committee on Economic Development, Health and Human Services, and Judiciary | | | |
| B220-30 (LS) | B.J.F. Cruz | An act to add a new Chapter 15 to 5GCA, a new §1127 to Chapter 1 of 2GCA and a new §2103 to Chapter 2 of 7GCA relative to the public examination of government of Guam Contracts. | 8/19/09 12:03 p.m. | 8/19/09 | Committee on Public Safety, Law Enforcement, and Senior Citizens | | | |



Adolpho Palacios <senabpalacios@gmail.com>

CORRECTION - Public Hearing (First) Notice - September 15, 2009

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 11:33 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, admin@mvguam.com, marvic@mvguam.com, jontalk@k57.com, news@k57.com, news@spbguam.com, msilva@k57.com, kstone@ite.net, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

CORRECTION IS on the Title of Bill No. B220-30 (LS)

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **10:00 a.m., Tuesday, September 15, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

10:00 a.m.

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- **Bill No. B214-30 (LS)** – An act to establish quorum requirements for the Peace Officers Standards and Training Commission to facilitate the activities of the Commission by adding a new §32302.01 to Article 3, Chapter 32, Title 17, Guam Code Annotated. – by **Senator A. B. Palacios, Sr.**
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1:30 p.m.

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Liheslaturan Guåhan's website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.

Adolpho Palacios <senabpalacios@gmail.com>
To: news@guampdn.com, cmelyan@guampdn.com

Tue, Sep 8, 2009 at 9:31 AM

September 8, 2009

Please make the following correction on today's Pacific Daily News Government Meetings. The Title on Bill No. 220-30 has been corrected. Thank you for your help.

[Quoted text hidden]



Adolpho Palacios <senabpalacios@gmail.com>

CORRECTION - Public Hearing First Notice - September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 11:37 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattorector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, yong@guamlegislature.org, sgtarms@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>

CORRECTION IS on the Title of Bill No. B220-30

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

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Thirtieth
Guam Legislature

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee Membership:

• Vice Chairman, Committee
on Economic Development,
Health and Human Services,
& Judiciary

• Vice Chairman, Committee
on Utilities, Transportation,
Public Works, & Veterans
Affairs

• Vice Chairman, Committee
on Labor, the Public
Structure, Public Libraries &
Technology

• Member, Committee on
Rules

• Member, Committee on
Education

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

September 2, 2009

MEMORANDUM

TO: Chairman, Committee on Rules
Members, Committee on Public Safety, Law Enforcement
and Senior Citizens
ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement
and Senior Citizens *ABP*

SUBJECT: *First Notice* – Notice of Public Hearing
Tuesday, September 15, 2009 – 10:00 am.

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1:30 p.m.

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cc: Protocol/MIS/Audio
Clerk of the Legislature

Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

MULTI COMMUNICATION REPORT

SEP-02-2009 11:56 AM WED

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

| FAX NUMBER | NAME |
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| 4723400 | |
| 4723547 | |
| 4733303 | |
| 7348085 | |
| 4734238 | |
| 9691497 | |
| 4758805 | |
| 4791329 | |
| 4752000 | |
| 9698357 | |
| 4722528 | |

2. UNSUCCESSFUL

| FAX NUMBER | NAME |
|------------|------|
|------------|------|

3. MULTI COMMUNICATION JOURNAL

| NO. | NAME/NUMBER | START TIME | TIME | MODE | PAGE | RESULTS |
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| 629 | 4752000 | 09-02 11:52AM | 00' 18" | ECM BC | 002/002 | [O.K] |
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| 629 | 4722528 | 09-02 11:55AM | 00' 18" | ECM BC | 002/002 | [O.K] |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: September 2, 2009

TO: Speaker J. Won Pat 472-3589
Vice Speaker B. J. Cruz 477-2522
Senator T. Muna-Barnes 472-3400
Senator R. J. Respicio 472-3547
Senator J. P. Guthertz 472-3547
Senator T. C. Ada 473-3303
Senator Matt Rector 734-8085
Senator v. c. pangelinan 473-4238
Senator F. B. Aguon, Jr. 969-1497
Senator E. J. B. Calvo 475-8805
Senator Ray Tenorio 479-1329
Senator J. V. Espaldon 475-2000
Senator T. Taitague 969-8357
Senator F. Blas, Jr. 472-2528

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *PUBLIC HEARING FIRST NOTICE – September 15, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.

THANK YOU.

MULTI COMMUNICATION REPORT

SEP-02-2009 11:36 AM WED

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

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| 6498883 | |
| 4774678 | |
| 5652983 | |
| 7342958 | |
| 6480104 | |

2. UNSUCCESSFUL

| FAX NUMBER | NAME |
|------------|------|
|------------|------|

3. MULTI COMMUNICATION JOURNAL

| NO. | NAME/NUMBER | START TIME | TIME | MODE | PAGE | RESULTS |
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| 628 | 6480104 | 09-02 11:36AM | 00' 20" | ECM BC | 002/002 | [O.K] |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

T Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: September 2, 2009

TO: Pacific Daily News 477-3079
Marianas Variety 648-2007
KUAM/Isla 630 637-9865
Pacific News Center 477-0793
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883
Joy 92 FM 477-4678
Adventist Radio 565-2983
KPRG 734-2958
Guam Broadcast Services 648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: CORRECTION - PUBLIC HEARING FIRST NOTICE
September 15, 2009

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED CORRECTED
PUBLIC HEARING NOTICE.
THANK YOU.**



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

(CORRECTION is on the Title on Bill No. B220-30)

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

CORRECTION - Public Hearing (First) Notice - September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 11:33 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, admin@mvguam.com, marvic@mvguam.com, jontalk@k57.com, news@k57.com, news@spbguam.com, msilva@k57.com, kstone@ite.net, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

CORRECTION IS on the Title of Bill No. B220-30 (LS)**September 2, 2009**

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

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Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 11:37 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattrector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, yong@guamlegislature.org, sgtarms@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>

CORRECTION IS on the Title of Bill No. B220-30

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **10:00 a.m., Tuesday, September 15, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

10:00 a.m.

- **Bill No. B210-30 (LS)** – An act to add a new §57105 to Chapter 57 of 10 GCA relative to providing the means to cover the cost of issuing Guam Identification Certificates. – by **Senator Telo Taitague** and **Senator v. c. pangelinan**.
- **Bill No. B214-30 (LS)** – An act to establish quorum requirements for the Peace Officers Standards and Training Commission to facilitate the activities of the Commission by adding a new §32302.01 to Article 3, Chapter 32, Title 17, Guam Code Annotated. – by **Senator A. B. Palacios, Sr.**
- **Bill No. B220-30 (LS)** – An act to amend 5 GCA §5150 relative to the duties of the Attorney General in procurement oversight and advisement. – by **Vice Speaker B. J. F. Cruz**.

1:30 p.m.

- Confirmation hearing for **Michelle H. Taitano** as a member to the **Guam Parole Board** for a term of 4 years.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills/Confirmation may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.

MULTI COMMUNICATION REPORT

SEP-02-2009 10:16 AM WED

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

| FAX NUMBER | NAME |
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| 6379865 | |
| 4770793 | |
| 4773982 | |
| 4727663 | |
| 4776411 | |
| 6498883 | |
| 4774678 | |
| 5652983 | |
| 7342958 | |
| 6480104 | |

2. UNSUCCESSFUL

| FAX NUMBER | NAME |
|------------|------|
|------------|------|

3. MULTI COMMUNICATION JOURNAL

| NO. | NAME/NUMBER | START TIME | TIME | MODE | PAGE | RESULTS |
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| 627 | 6379865 | 09-02 10:08AM | 00' 20" | ECM BC | 002/002 | [O.K] |
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| 627 | 4773982 | 09-02 10:09AM | 00' 18" | ECM BC | 002/002 | [O.K] |
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| 627 | 4776411 | 09-02 10:11AM | 00' 38" | ECM BC | 002/002 | [O.K] |
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| 627 | 7342958 | 09-02 10:15AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 627 | 6480104 | 09-02 10:16AM | 00' 18" | ECM BC | 002/002 | [O.K] |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: September 2, 2009

TO: Pacific Daily News 477-3079
Marianas Variety 648-2007
KUAM/Isla 630 637-9865
Pacific News Center 477-0793
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883
Joy 92 FM 477-4678
Adventist Radio 565-2983
KPRG 734-2958
Guam Broadcast Services 648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *PUBLIC HEARING FIRST NOTICE – September 15, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.
THANK YOU.**



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **10:00 a.m., Tuesday, September 15, 2009**, at *I Liheslaturan Guahan's Public Hearing Room* in Hagatña, on the following:

10:00 a.m.

- **Bill No. B210-30 (LS)** – An act to add a new §57105 to Chapter 57 of 10 GCA relative to providing the means to cover the cost of issuing Guam Identification Certificates. – by **Senator Telo Taitague** and **Senator v. c. pangelinan**.
- **Bill No. B214-30 (LS)** – An act to establish quorum requirements for the Peace Officers Standards and Training Commission to facilitate the activities of the Commission by adding a new §32302.01 to Article 3, Chapter 32, Title 17, Guam Code Annotated. – by **Senator A. B. Palacios, Sr.**
- **Bill No. B220-30 (LS)** – An act to add a new Chapter 15 to 5 GCA, a new §1127 to Chapter 1 of 2 GCA and a new §2103 to Chapter 2 of 7 GCA relative to the public examination of government of Guam contracts. – by **Vice Speaker B. J. F. Cruz**.

1:30 p.m.

- Confirmation hearing for **Michelle H. Taitano** as a member to the **Guam Parole Board** for a term of 4 years.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills/Confirmation may be obtained at *I Liheslaturan Guahan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing (First) Notice - Tuesday, September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 10:09 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbgum.com, news@k57.com, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

September 2, 2009

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Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing (First) Notice - Tuesday, September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Sep 2, 2009 at 10:09 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbguam.com, news@k57.com, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

September 2, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: September 10, 2009

TO:

| | |
|--------------------------|----------|
| Speaker J. Won Pat | 472-3589 |
| Vice Speaker B. J. Cruz | 477-2522 |
| Senator T. Muna-Barnes | 472-3400 |
| Senator R. J. Respicio | 472-3547 |
| Senator J. P. Guthertz | 472-3547 |
| Senator T. C. Ada | 473-3303 |
| Senator Matt Rector | 734-8085 |
| Senator v. c. pangelinan | 473-4238 |
| Senator F. B. Aguon, Jr. | 969-1497 |
| Senator E. J. B. Calvo | 475-8805 |
| Senator Ray Tenorio | 479-1329 |
| Senator J. V. Espaldon | 475-2000 |
| Senator T. Taitague | 969-8357 |
| Senator F. Blas, Jr. | 472-2528 |

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *PUBLIC HEARING SECOND NOTICE – September 15, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.

THANK YOU.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

September 10, 2009

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

MULTI COMMUNICATION REPORT

SEP-10-2009 10:54 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

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| 4734238 | |
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| 4758805 | |
| 4791329 | |
| 4752000 | |
| 9698357 | |
| 4722528 | |

2. UNSUCCESSFUL

| FAX NUMBER | NAME |
|------------|------|
|------------|------|

3. MULTI COMMUNICATION JOURNAL

| NO. | NAME/NUMBER | START TIME | TIME | MODE | PAGE | RESULTS |
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| 637 | 4722528 | 09-10 10:53AM | 00' 18" | ECM BC | 002/002 | [O.K] |



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: September 10, 2009

TO: Marianas Variety 648-2007
KUAM/Isla 630 637-9865
Pacific News Center 477-0793
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883
Joy 92 FM 477-4678
Adventist Radio 565-2983
KPRG 734-2958
Guam Broadcast Services 648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: ***PUBLIC HEARING SECOND NOTICE - September 15, 2009***

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.

THANK YOU.

MULTI COMMUNICATION REPORT

SEP-10-2009 10:28 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

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| 4727663 | |
| 4776411 | |
| 6498883 | |
| 4774678 | |
| 5652983 | |
| 7342958 | |
| 6480104 | |

2. UNSUCCESSFUL

| FAX NUMBER | NAME |
|------------|------|
|------------|------|

3. MULTI COMMUNICATION JOURNAL

| NO. | NAME/NUMBER | START TIME | TIME | MODE | PAGE | RESULTS |
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| 635 | 4773982 | 09-10 10:20AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 635 | 4727663 | 09-10 10:21AM | 00' 16" | ECM BC | 002/002 | [O.K] |
| 635 | 4776411 | 09-10 10:21AM | 00' 36" | ECM BC | 002/002 | [O.K] |
| 635 | 6498883 | 09-10 10:23AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 635 | 4774678 | 09-10 10:24AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 635 | 5652983 | 09-10 10:25AM | 01' 14" | ECM BC | 002/002 | [O.K] |
| 635 | 7342958 | 09-10 10:26AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 635 | 6480104 | 09-10 10:27AM | 00' 18" | ECM BC | 002/002 | [O.K] |
| 635 | 4770793 | 09-10 10:28AM | 00' 18" | ECM BC | 002/002 | [O.K] |

MESSAGE CONFIRMATION

SEP-10-2009 10:36 AM THU

FAX NUMBER :
NAME :

NAME/NUMBER : 4773079
PAGE : 2
START TIME : SEP-10-2009 10:35AM THU
ELAPSED TIME : 00' 40"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: September 10, 2009
TO: Pacific Daily News 477-3079
FROM: Office of Senator Adolpho B. Palacios, Sr.
SUBJECT: PUBLIC HEARING SECOND NOTICE - September 15, 2009
PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Please correct the Title on Bill No. 220-30 as published in today's Pacific Daily News (under Government Meetings page 27), correct title is as shown on the attached public hearing notice. Email sent to Catriona Meylan today. Thank you for your kind attention.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: September 10, 2009

TO: Pacific Daily News 477-3079

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: **PUBLIC HEARING SECOND NOTICE - September 15, 2009**

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Please correct the Title on Bill No. 220-30 as published in today's Pacific Daily News (under Government Meetings page 27), correct title is as shown on the attached public hearing notice. Email sent to Catriona Meylan today. Thank you for your kind attention.



Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing Second Notice - September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>
To: cmelyan@guampdn.com, news@guampdn.com

Thu, Sep 10, 2009 at 10:01 AM

September 10, 2009

Dear Catriona: In regards to the advertisement under 'Government Meetings' page 27 of today's Pacific Daily News, the Public Hearing scheduled for September 15, 2009, Tuesday, by the Committee on Public Safety, Law Enforcement, and Senior Citizens - the Title of Bill No. 220-30 as published is INCORRECT, please see the following notice of public hearing with the **CORRECT Title of Bill No. 220-30 (the corrected title is highlighted)**. PLEASE MAKE THE CORRECTION. PLEASE REPLY TO THIS EMAIL WHEN YOU RECEIVE THIS MESSAGE. THANK YOU FOR YOUR KIND ATTENTION.

September 10, 2009

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

Public Hearing (SECOND) Notice - September 15, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Sep 10, 2009 at 10:06 AM

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September 10, 2009

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **10:00 a.m., Tuesday, September 15, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

10:00 a.m.

- **Bill No. B210-30 (LS)** – An act to add a new §57105 to Chapter 57 of 10 GCA relative to providing the means to cover the cost of issuing Guam Identification Certificates. – by **Senator Telo Taitague** and **Senator v. c. pangelinan**.
- **Bill No. B214-30 (LS)** – An act to establish quorum requirements for the Peace Officers Standards and Training Commission to facilitate the activities of the Commission by adding a new §32302.01 to Article 3, Chapter 32, Title 17, Guam Code Annotated. – by **Senator A. B. Palacios, Sr.**
- **Bill No. B220-30 (LS)** – An act to amend 5 GCA §5150 relative to the duties of the Attorney General in procurement oversight and advisement. – by **Vice Speaker B. J. F. Cruz**.

1:30 p.m.

- Confirmation hearing for **Michelle H. Taitano** as a member to the **Guam Parole Board** for a term of 4 years.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills/Confirmation may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

PUBLIC HEARING

Tuesday, September 15, 2009

10:00 a.m. and 1:30 pm

Public Hearing Room, *I Liheslaturan Guahan*

Notices for the public hearing were disseminated to all local media via fax and email on September 2, 2009 and on September 10, 2009, pursuant to the Open Government Law.

A G E N D A

10:00 a.m.

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1:30 p.m.

- Confirmation hearing for **Michelle H. Taitano** as a member to the **Guam Parole Board** for a term of 4 years.

The Committee will prepare and submit the Committee Reports on Bills Nos. B210-30 (LS), B214-30 (LS), B220-30 (LS), and the appointment of Michelle H. Taitano within the next 10 days, in preparation for consideration by the legislative body. However, the Committee will continue to receive written testimonies until September 25, 2009. Please fax, e-mail, or drop testimonies to the Office of Senator Adolpho B. Palacios, Sr., Chairman, Committee on Public Safety, Law Enforcement, and Senior Citizens or the Legislature's mail room.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

LEGISLATIVE ALERT



Thirtieth
Guam
Legislature

CHAIRPERSON:

Committee on
Public Safety, Law
Enforcement and
Senior Citizens

Office of Senator
Adolpho B. Palacios, Sr. 
I Mina'Trenta Na Liheslaturan Guåhan

**BILL NO: 220-30(LS) AN ACT TO AMEND 5 GCA §5150
RELATIVE TO THE DUTIES OF THE ATTORNEY
GENERAL IN PROCUREMENT OVERSIGHT AND
ADVISEMENT**

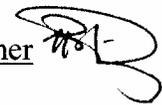
RAMIFICATIONS/IMPLICATIONS:

1. Bill will ensure fair and equitable treatment of all who are involved in the procurement process and to preserve the integrity of the procurement system.
2. Bill would allow for the Attorney General to review all bids and invitations for bids for over two hundred thousand dollars (\$200,000.00) and shall participate in the process of awarding any bid over two hundred thousand dollars (\$200,000.00)

ISSUES/HIGHLIGHTS:

REMARKS:

A public hearing will be held on **Tuesday, September 15, 2009 from 10:00am to 12noon at the Guam Legislature's Public Hearing Room.** A copy of this bill is available at http://www.guamlegislature.com/30th_bills_intro.htm or my office can fax a copy to you. Written testimony may be submitted to SenABPalacios@gmail.com or fax: to **472-5022** on or before the public hearing date. After the public hearing, you may submit or fax your testimony to my office for up to 10 days after the hearing. I would appreciate any comments you can provide. Your comments would be very helpful to me when this Bill comes up for Legislative debate on whether to pass the Bill or not.

By: Jonathan B. Diaz, Policy Researcher 

Date: August 31st 2009

CONSTITUTENTS

Governor's Office: 477-GUAM (4826), 472-7549, 477-8934

Lt. Governor's Office: 477-2007

AG's Office: (671) 472-2493, (671) 477-3390, (671) 475-3203

MULTI COMMUNICATION REPORT

AUG-31-2009 02:13 PM MON

FAX NUMBER :
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REF. NAME :
PAGES : 1

1. SUCCESSFUL

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2. UNSUCCESSFUL

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3. MULTI COMMUNICATION JOURNAL

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| 622 | 4772007 | 08-31 02:10PM | 00'12" | ECM BC | 001/001 | [O.K] |
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| 622 | 4773390 | 08-31 02:11PM | 00'14" | ECM BC | 001/001 | [O.K] |
| 622 | 4753203 | 08-31 02:12PM | 00'12" | ECM BC | 001/001 | [O.K] |
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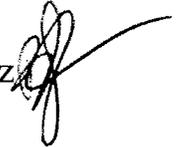
**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

2009 AUG 19 PM 12:03me

Bill No. 220-30 (LS)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND 5 GCA §5150 RELATIVE TO THE DUTIES OF THE
ATTORNEY GENERAL IN PROCUREMENT OVERSIGHT AND
ADVISEMENT.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there exists a need for greater scrutiny in the preparation of bid documents and
4 in the awarding of bids for major purchases and contracts for services. *I*
5 *Liheslatura* finds that such involvement of the Office of the Attorney General in
6 the procurement process would ensure proper and expeditious procurement of
7 goods and services and would minimize protests of bid awards and allow for a
8 more expeditious procurement process.

9 *I Liheslatura* further finds that Guam stands to lose considerable amounts of
10 federal funding due to questionable procurement practices. It is the intent of *I*
11 *Liheslatura*, therefore, to ensure the fair and equitable treatment of all who are
12 involved in the procurement process and to preserve the integrity of the
13 procurement system.

1 **Section 2.** §5150 of Chapter 5 of Title 5, Guam Code Annotated is hereby
2 amended to read:

3 **“§ 5150. Duties of the Attorney General.**

4 The Attorney General, the Deputy Attorney General or such Assistant
5 Attorneys General as the Attorney General may designate, shall serve as
6 legal counsel and provide necessary legal services to the Policy Officer and
7 the General Services Agency. The Attorney General shall, in addition, when
8 he approves contracts, determine not only the correctness of their form, but
9 their legality. In making such a determination of form for major purchases
10 and contracts for services, the Attorney General shall review all bids and
11 invitations for bids for over \$200,000.00 and shall participate in the process
12 of awarding any bid over \$200,000.00. In making such a determination of
13 legality, he may require any or all agencies involved in the contract to
14 supply him with evidence that the required procedures precedent to
15 executing the contract were carried out. He may prescribe the forms and
16 format required to be followed by the agencies in aiding him in his
17 determination of form and legality.”

18 **Section 3.** This Act shall be effective upon enactment.