



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

FEB 16 2010

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

977 19 PM 16 10
[Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 300-30(COR) "AN ACT TO AMEND §10401 OF ARTICLE 4, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM PUBLIC-PRIVATE PARTNERSHIP AUTHORIZATION THROUGH A PERFORMANCE MANAGEMENT CONTRACT" which I signed into law on February 8, 2010 as Public Law 30-90.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy of Bill

30-10-0162
[Signature] 2/17/10
ya

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

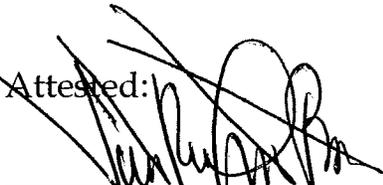
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 300-30 (COR), "AN ACT TO AMEND §10401 OF ARTICLE 4, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM PUBLIC-PRIVATE PARTNERSHIP AUTHORIZATION THROUGH A PERFORMANCE MANAGEMENT CONTRACT," was on the 22<sup>nd</sup> day of January, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

.....

This Act was received by *I Maga'lahaen Guåhan* this 27 day of Jan., 2010, at  
4.00 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: FEB 08 2010

Public Law No. P.L. 30-90

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

**Bill No. 300-30 (COR)**

As substituted by the Committee on Utilities,  
Transportation, Public Works, and Veterans Affairs,  
and amended.

Introduced by:

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

**AN ACT TO *AMEND* §10401 OF ARTICLE 4, CHAPTER  
10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE  
TO THE PORT AUTHORITY OF GUAM PUBLIC-  
PRIVATE PARTNERSHIP AUTHORIZATION  
THROUGH A PERFORMANCE MANAGEMENT  
CONTRACT.**

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

2        **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that at the  
3 time Public Law 29-23 was enacted, which authorized the Board of Directors of  
4 the Jose D. Leon Guerrero Commercial Port to enter into a public-private  
5 partnership through a performance management contract for the management,

1 operation and maintenance of the port cargo handling equipment and/or facilities  
2 associated with such equipment and/or other aspects of the port operations, and  
3 award such contract within one hundred twenty (120) to one hundred fifty (150)  
4 days, the timeline outlined in the legislation did not take into consideration the  
5 requirement of approval by the Public Utilities Commission and the role of the  
6 Attorney General in the procurement oversight and advisement in the award of  
7 such contract. To ensure that an adequate period is provided to the Port in  
8 awarding the performance management contract, and the involvement of the  
9 Attorney General in the procurement oversight and advisement of the award, *I*  
10 *Liheslaturan Guåhan* finds that the timeline should be extended from one hundred  
11 fifty (150) days to two hundred twenty (220) days and provide the Attorney  
12 General with the authority to extend such timelines as it deems necessary.

13 **Section 2.** §10401 of Article 4, Chapter 10, Title 12, Guam Code  
14 Annotated is hereby *amended* to read:

15 **“§10401. Public-Private Partnership Authorization through a**  
16 **Performance Management Contract.**

17 The Board of Directors of the Jose D. Leon Guerrero Commercial  
18 Port (Port) is authorized to issue a Request for Proposal (RFP), Multi-Step  
19 Bid (MSB), Invitation for Bid (IFB), soliciting bids or proposals from  
20 qualified parties for the management, operation and maintenance of its cargo  
21 handling equipment through a performance management contract, subject to  
22 the procurement laws of Guam. The scope of work required through this  
23 RFP, MSB or IFB *shall* include the daily operation and maintenance of its  
24 cargo handling equipment; any repairs required, inclusive of all parts and  
25 labor; performance monitoring requirements; and preventive maintenance of  
26 all equipment and/or facilities directly associated with the equipment,

1 including, but *not limited to*, the acquisition for replacement of such  
2 equipment.

3 The RFP, MSB and/or IFB *shall* include performance standards that  
4 will provide operating criteria, guidelines and requirements to minimize  
5 costly downtime and maximize cargo handling equipment availability and its  
6 life span. Parties interested in submitting proposals *shall* have sixty (60)  
7 days to prepare and submit a response to the Port. The General Services  
8 Agency Chief Procurement Officer *shall* be an observer throughout the RFP,  
9 MSB or IFB process as specified in this Section, *shall* receive copies of all  
10 documents involved and *shall* be invited to any meetings regarding the  
11 public-private partnership process specified in this Section.

12 The Port *may* award a performance management contract subject to  
13 the RFP, MSB or IFB detailed in this Section *no later than* two hundred  
14 twenty (220) days from the established deadline for submission *or* receipt of  
15 the RFP, MSB or IFB; provided, that qualified offerors have submitted  
16 proposals in compliance with the procurement laws of Guam and the  
17 provisions of this Section. The Attorney General *shall* act as legal advisor  
18 during all phases of the solicitation *or* procurement process and *shall* have  
19 the authority to extend the timelines as outlined in this Section as it deems  
20 necessary.”

21 **Section 3. Severability.** *If* any provision of this law or its application to  
22 any person *or* circumstance is found to be invalid *or* contrary to law, such  
23 invalidity *shall not* affect other provisions or applications of this law which can be  
24 given effect without the invalid provisions or applications, and to this end the  
25 provisions of this law are severable.

# I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 1/22/10

## VOTING SHEET

Bill No. 300-30 (CAC)

Resolution No. \_\_\_\_\_

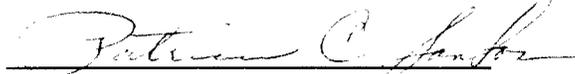
Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
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	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



# Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

January 13, 2010

**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 on Bill No. 300-30 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 300-30 (COR) - "An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract.", - sponsored by Senator T.C. Ada, Chairperson for the Committee on Utilities, Transportation, Public Works, and Veterans Affairs.

Committee votes are as follows:

5

To Pass

\_\_\_\_\_

Not to Pass

3

To Report Out Of Committee

\_\_\_\_\_

To Abstain

\_\_\_\_\_

To Place In Inactive File

Si Yu'os Ma'ase

Thomas C. Ada

Clerk of the Legislature

ACKNOWLEDGEMENT RECEIPT

Received by: AC

Time: 3:50 pm

Date: 1-19-10



## **Senator Thomas C. Ada**

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

### COMMITTEE REPORT ON

BILL NO. 300-30 (COR)  
(T.C. ADA)

As substituted by the Committee

“An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract.”



# Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

January 13, 2010

## MEMORANDUM

**To:** All Members  
Committee on Utilities, Transportation, Public Works, and Veterans Affairs

**From:** Senator Thomas C. Ada  
Committee Chairperson

**Subject:** Committee Report on Bill No. 300-30 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 300-30 (COR), as substituted by the Committee, "An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract," sponsored by Senator T.C. Ada.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Substitute Bill No. 300-30 (COR)
- Copy of Bill No. 300-30 (COR)
- Public Hearing Sign-In Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 300-30 (COR)
- Notice of Public Hearing
- Copy of 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.

Si Yu'os Ma'ase



# Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
 30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

## COMMITTEE VOTING SHEET

### Substitute Bill No. 300-30 (COR) – T.C. Ada

“An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract.”

Committee Members	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE ONLY	TO ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Senator Thomas C. Ada, Chairperson		✓				
Senator Adolpho B. Palacios, Sr., Vice Chairperson		1/9/10 ✓				
Senator Frank B. Aguon, Jr.		✓				
Vice Speaker Benjamin J. F. Cruz				1/13/10 ✓		
Senator Tina Rose Muña-Barnes				✓		
Senator Rory J. Respicio						
Senator James V. Espaldon		✓				
Senator Telo Taitague				1/13/10 ✓		
Senator Ray Tenorio		✓				

## COMMITTEE REPORT DIGEST

### **I. FINDINGS AND RECOMMENDATIONS**

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs finds that Public Law 29-23 added a New Article 4 to Chapter 10 of Title 12 of the Guam Code Annotated which authorized the Board of Directors of the Jose D. Leon Guerrero Commercial Port (Port) to enter into a Public-Private Partnership through a Performance Management Contract (PMC) for the management, operation and maintenance of the Port cargo handling equipment and/or facilities associated with such equipment and/or other aspects of the Port operations. Stipulated in this mandate was also the timeline to award the contract within one hundred twenty (120) to one hundred fifty (150) days.

The Committee finds that since the enactment of P.L. 29-23, new statutes have been adopted that now require the involvement of other agencies in the procurement process. Therefore the timeline mandated in P.L. 29-23 did not anticipate the involvement of the Public Utilities Commission and the new role of the Attorney General in the procurement oversight and advisement of the award of contracts. These are significant addition to the review and award of the PMC, which would require an extension in the original timeline.

The Committee finds that the one hundred fifty (150) days timeline should be extended to two hundred twenty (220) days. The Committee further finds the 220-day timeline to award the contract should start from the established deadline for submission of the proposal packages from interested respondents. The Attorney General's Office advised this amendment does not appear to be in conflict with current statutes and regulations. Finally, the Committee would like to provide the Attorney General with the authority to extend the timelines as it deems necessary and reasonable.

Following input from the stakeholders, the subsequent amendments were made to the bill:

- In Section 2, under § 10401, page 3, line 3, "*shall*" was changed "may."
- In Section 2, under § 10401, page 3, line 4-5, 120-150 days was changed to 220 days.
- In Section 2, under § 10401, page 3, line 8-11, it was added that the authority shall be given to the Attorney General.

Accordingly, the Committee on Utilities, Transportation, Public Works, and Veterans Affairs, hereby reports out Bill No. 300-30 (COR), As Substituted by the Committee, with the recommendation **TO PASS**.

## II. OVERVIEW

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs convened a public hearing on January 5, 2010 at 9:00 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was consideration of Bill No. 300-30 (COR) "An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract," sponsored by Senator T.C. Ada.

### **Public Notice Requirements**

Notices were disseminated via facsimile and email to all senators and all main media broadcasting outlets on Monday, December 28, 2009 (5-Day Notice) and again on December 31 (48-Hour Notice) of 2009. Notice of the hearing was also posted on the Guam Legislature's website.

#### **Committee Members present:**

Senator Thomas C. Ada	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice Chairperson
Senator Telo Taitague	Member
Senator vicente "ben" pangelinan	Senator

The public hearing was Called-to-Order at 9:00a.m.

## III. **SUMMARY OF TESTIMONY & DISCUSSION**

### **Testimony submitted by:**

Glenn Leon Guerrero	General Manager, Port Authority of Guam
Alicia Limtiaco	Attorney General of Guam
Phil Tydingco	Chief Deputy Attorney General of Guam
Eloy Hara	Private Citizen

#### **Glenn Leon Guerrero**

*Provided oral and written testimony (written testimony attached)*

Mr. Leon Guerrero, General Manager, testified in support of Bill No. 300-30. He stated that the Legislature adopted the Port master plan and thus the port modernization program continues to prepare for Guam's natural growth and the impending military buildup. A crucial component of the modernization effort is the implementation of the Performance Management Contract (PMC), which was also approved by the Legislature through P.L. 29-23. This law mandated that the Port award the PMC within 120 to 150 days of issuance of the RFP, MSB or IFB. However, since the passage of P.L. 29-23, other mandates were passed into law that now require the Port to include other agencies' involvement in the procurement of the PMC. These requirements included the involvement and review of the contract by the Public Utilities Commission (PUC) and the procurement oversight of the Attorney General. The new criteria significantly added to the timeline in the procurement and award of the PMC, which is not reflected in P.L.

29-23. It is the consensus of the Port and the Attorney General's staff that the timelines outlined in P.L. 29-23 be extended, as proposed in B300-30, to 220 days and that the authority be granted to the Attorney General to extend the timelines in the procurement process, as it deems necessary. The Port recommends that the proposed timeline begin "from the established deadline for submission or receipt" of the RFP, MSB, or IFB instead of "on the date of issuance" of the RFP, MSB, or IFB. Mr. Leon Guerrero, respectfully thanks the Senators for the continued support of the Port's modernization.

Alicia Limtiaco

*Provided written testimony (attached)*

Ms. Limtiaco, Attorney General of Guam, submitted testimony in support of Bill No. 300-30. P.L. 29-23 authorized the Port Authority to award a performance management contract within 120 to 150 days, however the timeline did not anticipate other legal requirements that included the Public Utilities Commission, and the new role of the Attorney General in the procurement oversight and advisement of the award of contracts. The amendments proposed by Bill No. 300-30 would extend the timeline to no more than 220 days of the issuance of the RFP, MSB, or IFB and authorizes the Attorney General to extend such timelines as it deems necessary and reasonable.

Phil Tydingco

*Provided oral testimony and follow up correspondence*

Mr. Tydingco, Deputy Attorney General (DAG), testified in support of Bill No. 300-30. The extension of the evaluation period from 120 - 150 days to 220 days from the established deadline for submission or receipt of proposals will provide sufficient and adequate time to thoroughly review proposals that are high in dollar amount or complex in nature. In addition, the bill provides the Attorney General the authority to extend the process further should more time be required to evaluate proposals which Mr. Tydingco further supported.

Eloy Hara

*Provided oral testimony*

Mr. Hara provided testimony in support of the Bill No. 300-30. Mr. Hara has firsthand experience with PMCs having worked for GPA—an agency considered to be a pioneer in the PMC concept. He further stated that the PMC has been proven to be a valuable tool for the Government of Guam. Mr. Hara supports the DAG's comments as pertaining to the complexity of the RFP's technical or legal issues. The extension in evaluation period and additional authority given to the AG will give the Port Authority more leeway with the procurement process.

**Question and Answer**

Senator Ada: Current law requires the Port to consummate a contract within 150 days. If a contract is not consummated within the timeline, what will transpire with the process?

Phil Tydingco: Based on current law, the Port could not move forward. If agency proceeded, the process would be open for protest. The DAG is unable to determine how the two hundred twenty (220) day timeline would affect procurement law. The amendment to the current law sounds reasonable but he would have to review further.

Senator Ada: Responded that a markup session would follow to discuss issues raised. Senator Ada further inquired on the bill providing the AG's Office the authority to extend beyond two hundred twenty (220) days.

Phil Tydingco: Stated he believed it was consistent with P.L. 30-72.

Eloy Hara: In response to consummating a contract after one hundred fifty (150) days, he added that the agency was prevented by statute from moving forward with a contract and that only legislative action could extend the timeline.

Senator Ada: Original law gave Port Authority the option of RFP, Multiple-Step Bid (MSB), or Invitation for Bid (IFB). Which of these did the Port decide to take?

Glen Leon Guerrero: Responded that after discussions with the AG's Office and the Port Authority's Procurement Manager, the Port felt the Request for Proposal (RFP) was the best option.

Senator Ada: Do you have an estimated date the RFP will be issued?

Glen Leon Guerrero: The RFP is currently being reviewed by the AG's Office. We are targeting the end of the month or shortly thereafter.

Phil Tydingco: The AG's Office has an attorney assigned to review the RFP. They hope to complete it by the end of January.

Senator Ada: What is GSA's role in this process?

Phil Tydingco: Current law states that GSA shall be an observer throughout the process, given all documents, and must be invited to all meetings regarding this process.

Senator Ada: By virtue of that language, does that imply that authority has been delegated to the Port to proceed with the procurement?

Phil Tydingco: That is how I read the statute. Generally speaking, the GSA Chief Procurement Officer (CPO) has the delegation of authority when it comes to goods and services.

Glen Leon Guerrero: The RFP is not a goods and services offering but an RFP. We have issued our own RFPs and construction bids. All other goods and services such as water and Xerox are done through GSA.

Senator Taitague: I ask that PUC be at the markup meetings. Who pays for these new RFPs that come to your office? Who funds the preparation for the RFP?

Phil Tydingco: P.L. 72-30 mandates AG to be involved in procurement. Over the past few years we have been operating with 1-2 attorneys reviewing contracts, mainly line agencies and a couple of autonomous agencies. We are looking at other ways to address additional work such as entering into a Memorandum of Understanding (MOU) like the DPW model. The AG will hire a dedicated attorney and the agency pays for the salary. We are looking at this model to fund additional work as a result of P.L. 30-72.

Senator pangelinan: If the procurement for the Port that needs to go through GSA are for goods and services, what kind of animal is a PMC if it is neither a goods nor service?

Glenn Leon Guerrero: The Port does not need a procurement delegation from GSA to issue the RFP. GSA concurred.

Senator pangelinan: Do you have this in writing? Please provide a copy to the Committee.

Glenn Leon Guerrero: I can provide a copy from the CPO.

Senator pangelinan: Mr. Tydingco did you review the procurement regulations and delegation of procurement?

Phil Tydingco: No. I have not reviewed it. However, as I recollect, generally Professional Services are not part of the delegation issue and agencies are allowed to procure this type of service (Professional). I will research the issue.

Senator pangelinan: According to the Bill, the Port “shall” award a PMC subject to the RFP. What happens if all rules are followed but the response is not in the best economic interest of the Territory or not in best policy of the Territory? Or we know we can do it for less with Public employees?

Glenn Leon Guerrero: If we are negotiating a contract and the cost provisions are not what we are approving, we will not agree to the contract. In a Bid process, you must award. However the RFP is a negotiated process. There are other Territorial interests involved in the process from the beginning of a RFP.

Senator pangelinan: Is the RFP the best way to go about this since you don't have the economics in it? It could end up costing the people of Guam much more money if you have similarly ranked service providers.

Phil Tydingco: The law has always acknowledged and recognized that professional service is much more subjective in many ways and that is why they have the RFP process.

Senator pangelinan: Is the subjective way the best way to proceed with this procurement?

Phil Tydingco: With the way the law is written and procurement statues are, this is the methodology that is called for under these circumstances.

Glenn Leon Guerrero: There are other Territorial representatives that are part of the process such as the AG, OPA, and CPO. The Port conferred with GPA on how they handled a PMC and we concluded that the RFP is the best way to proceed.

Senator pangelinan: Hopes that this process will result in lower trans-shipping costs, because of better efficiencies on the handling end of it. We can anticipate that the shipping companies are going to do what they want; their pricing is not within our control. So then, what must be done, that is within our control, to ensure lower prices of consumer goods for Guam, so that ultimately the PAG is not blamed for the high prices that are charged, and any inefficiencies that may follow? It is known that even if PAG lowers prices, the shipping companies will maintain their own margins, so we cannot give them any excuse—this is the one area we can control. It's important in the procurement of these goods and services that we have maximum ability to control the cost of these professional services at the front end and not at the tail end. Senator pangelinan thanks the Chair for the opportunity to ask questions and to offer comment.

With no further testimonies or questions, public hearing was completed and adjourned at 10:07 am.

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

Bill No. 300-30 ( COR )  
As substituted by the Committee  
on Utilities, Transportation, Public Works,  
and Veterans Affairs

Introduced by:

T.C. Ada  
A.B. Palacios, Sr.  

---

**AN ACT TO AMEND SECTION 10401 OF TITLE 12, GUAM CODE  
ANNOTATED, CHAPTER 10, PORT AUTHORITY OF GUAM, ARTICLE  
4, PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE  
MANAGEMENT CONTRACT.**

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

2

3           **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that at the time Public  
4 Law 29-23, which authorizes the Board of Directors of the Jose D. Leon Guerrero Commercial  
5 Port to enter into a public-private partnership through a performance management contract for  
6 the management, operation and maintenance of the port cargo handling equipment and/or  
7 facilities associated with such equipment and/or other aspects of the port operations, and award  
8 such contract within one hundred twenty (120) to one hundred fifty (150) days, the timeline  
9 outlined in the legislation does not take into consideration the requirement of approval by the  
10 Public Utilities Commission and the role of the Attorney General in the procurement oversight  
11 and advisement in the award of such contract. To ensure adequate period is provided to the Port  
12 in awarding the performance management contract and the involvement of the Attorney General  
13 in the procurement oversight and advisement of the award, *I Liheslaturan Guåhan* finds that the

1 timeline should be extended from one hundred fifty (150) days to two hundred twenty (220) days  
2 and provide the Attorney General with the authority to extend such timelines as it deems  
3 necessary.

4 **Section 2. Amendment of Section 10401 of Chapter 10, Title 12, GCA.** Section  
5 10401 of Chapter 10, Title 12 GCA is hereby amended to read:

6 **“§ 10401 Public-Private Partnership Authorization through a Performance**  
7 **Management Contract .**

8 The Board of Directors of the Jose D. Leon Guerrero Commercial Port (Port) is  
9 authorized to issue a Request for Proposal (RFP), Multi-Step Bid (MSB), Invitation for  
10 Bid (IFB), soliciting bids or proposals from qualified parties for the management,  
11 operation and maintenance of its cargo handling equipment through a performance  
12 management contract, subject to the procurement laws of Guam. The scope of work  
13 required through this RFP, MSB or IFB *shall* include the daily operation and  
14 maintenance of its cargo handling equipment; any repairs required, inclusive of all parts  
15 and labor; performance monitoring requirements; and preventive maintenance of all  
16 equipment and/or facilities directly associated with the equipment, including, *but not*  
17 *limited to*, the acquisition for replacement of such equipment.

18 The RFP, MSB and/or IFB *shall* include performance standards that will provide  
19 operating criteria, guidelines and requirements to minimize costly downtime and  
20 maximize cargo handling equipment availability and its life span. Parties interested in  
21 submitting proposals *shall* have sixty (60) days to prepare and submit a response to the  
22 Port. The General Services Agency Chief Procurement Officer *shall* be an observer  
23 throughout the RFP, MSB or IFB process as specified in this Section, *shall* receive copies

1 of all documents involved and *shall* be invited to any meetings regarding the public-  
2 private partnership process specified in this Section.

3 The Port ~~*shall*~~ may award a performance management contract subject to the  
4 RFP, MSB or IFB detailed in this Section ~~within one hundred twenty (120) to one~~  
5 ~~hundred fifty (150)~~ no later than two hundred twenty (220) days of the date of issuance  
6 from the established deadline for submission or receipt of the RFP, MSB or IFB;  
7 provided, that qualified offerors have submitted proposals in compliance with the  
8 procurement laws of Guam and the provisions of this Section. The Attorney General shall  
9 act as legal advisor during all phases of the solicitation or procurement process and shall  
10 have the authority to extend the timelines as outlined in this section as it deems  
11 necessary.”

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

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

Bill No. 300-30 ( COR )

Introduced by:

T.C. Ada  
A.B. Palacios, Sr.

2009 Dec 19 AM 11:27  
MM  
T.C. Ada

**AN ACT TO AMEND SECTION 10401 OF TITLE 12, GUAM CODE ANNOTATED, CHAPTER 10, PORT AUTHORITY OF GUAM, ARTICLE 4, PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE MANAGEMENT CONTRACT.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that at the time Public Law 29-23, which authorizes the Board of Directors of the Jose D. Leon Guerrero Commercial Port to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of the port cargo handling equipment and/or facilities associated with such equipment and/or other aspects of the port operations, and award such contract within one hundred twenty (120) to one hundred fifty (150) days, the timeline outlined in the legislation does not take into consideration the requirement of approval by the Public Utilities Commission and the role of the Attorney General in the procurement oversight and advisement in the award of such contract. To ensure adequate period is provided to the Port in awarding the performance management contract and the involvement of the Attorney General in the procurement oversight and advisement of the award, *I Liheslaturan Guåhan* finds that the timeline should be extended from one hundred fifty (150) days to two hundred twenty (220) days

1 and provide the Attorney General with the authority to extend such timelines as it deems  
2 necessary.

3 **Section 2. Amendment of Section 10401 of Chapter 10, Title 12, GCA.** Section  
4 10401 of Chapter 10, Title 12 GCA is hereby amended to read:

5 **“§ 10401 Public-Private Partnership Authorization through a Performance**  
6 **Management Contract .**

7 The Board of Directors of the Jose D. Leon Guerrero Commercial Port (Port) is  
8 authorized to issue a Request for Proposal (RFP), Multi-Step Bid (MSB), Invitation for  
9 Bid (IFB), soliciting bids or proposals from qualified parties for the management,  
10 operation and maintenance of its cargo handling equipment through a performance  
11 management contract, subject to the procurement laws of Guam. The scope of work  
12 required through this RFP, MSB or IFB *shall* include the daily operation and  
13 maintenance of its cargo handling equipment; any repairs required, inclusive of all parts  
14 and labor; performance monitoring requirements; and preventive maintenance of all  
15 equipment and/or facilities directly associated with the equipment, including, *but not*  
16 *limited to*, the acquisition for replacement of such equipment.

17 The RFP, MSB and/or IFB *shall* include performance standards that will provide  
18 operating criteria, guidelines and requirements to minimize costly downtime and  
19 maximize cargo handling equipment availability and its life span. Parties interested in  
20 submitting proposals *shall* have sixty (60) days to prepare and submit a response to the  
21 Port. The General Services Agency Chief Procurement Officer *shall* be an observer  
22 throughout the RFP, MSB or IFB process as specified in this Section, *shall* receive copies

1 of all documents involved and *shall* be invited to any meetings regarding the public-  
2 private partnership process specified in this Section.

3 The Port *shall* award a performance management contract subject to the RFP,  
4 MSB or IFB detailed in this Section ~~within one hundred twenty (120) to one hundred~~  
5 ~~forty (150)~~ no later than two hundred twenty (220) days of the date of issuance of the  
6 RFP, MSB or IFB; provided, that qualified offerors have submitted proposals in  
7 compliance with the procurement laws of Guam and the provisions of this Section. The  
8 Attorney General shall act as legal advisor during all phases of the solicitation or  
9 procurement process and shall have the authority to extend the timelines as outlined in  
10 this section as it deems necessary.”

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

15  
16  
17  
18



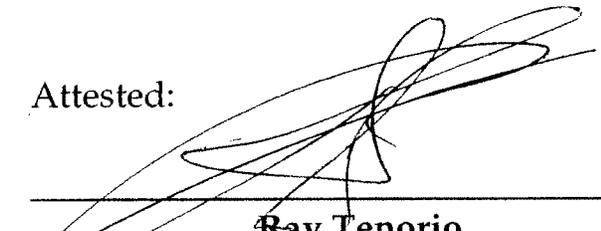


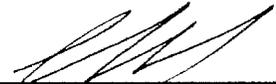
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

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

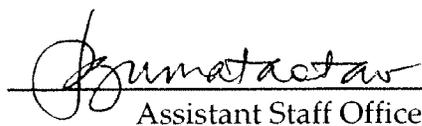
This is to certify that Bill No. 165 (EC), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 10 OF TITLE 12 OF THE GUAM CODE ANNOTATED, TO AUTHORIZE THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE MANAGEMENT CONTRACT FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE PORT CARGO HANDLING EQUIPMENT AND/OR FACILITIES ASSOCIATED WITH SUCH EQUIPMENT AND/OR OTHER ASPECTS OF THE PORT OPERATIONS," was on the 10<sup>th</sup> day of October 2007, duly and regularly passed.

Attested:

  
\_\_\_\_\_  
**Ray Tenorio**  
Senator and Secretary of the Legislature

  
\_\_\_\_\_  
**Edward J.B. Calvo**  
Acting Speaker

-----  
This Act was received by *I Maga'lahaen Guåhan* this 12 day of Oct., 2007, at  
4:11 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'laha'i's Office*

APPROVED:

  
\_\_\_\_\_  
**FELIX P. CAMACHO**  
*I Maga'lahaen Guåhan*

Date: 24 Oct 2007

Public Law No. 29-23

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 165 (EC)**

As amended by the Committee on Tourism,  
Maritime, Military, Veterans and Foreign Affairs.

Introduced by:

A. R. Unpingco  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
James V. Espaldon  
Mark Forbes  
J. A. Lujan  
Judith Paulette Guthertz  
Frank T. Ishizaki  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat

**AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 10 OF TITLE 12 OF THE GUAM CODE ANNOTATED, TO AUTHORIZE THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERICAL PORT TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE MANAGEMENT CONTRACT FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE PORT CARGO HANDLING EQUIPMENT AND/OR FACILITIES ASSOCIATED WITH SUCH EQUIPMENT AND/OR OTHER ASPECTS OF THE PORT OPERATIONS.**



1 MSB or IFB process as specified in this Section, *shall* receive copies of all  
2 documents involved and *shall* be invited to any meetings regarding the  
3 public-private partnership process specified in this Section.

4 The Port *shall* award a performance management contract subject to  
5 the RFP, MSB or IFB detailed in this Section within one hundred twenty  
6 (120) to one hundred fifty (150) days of the date of issuance of the RFP,  
7 MSB or IFB; provided, that qualified offerors have submitted proposals in  
8 compliance with the procurement laws of Guam and the provisions of this  
9 Section.

10 **§10402. Contract Limits.** The awarded contract, which is subject to  
11 the provisions of this Act, may be awarded for periods of not less than five  
12 (5) years, with options to renew every five (5) years and not to exceed a total  
13 of twenty (20) years. The awarded contract, subject to the provisions of  
14 this Act, must contain performance reviews at least annually, and provisions  
15 for contract termination and penalty based upon such review.

16 **§10403. Conflicts.** No contract awarded subject to the provisions of  
17 this Act *shall* be awarded to any party who has a blood or marital  
18 relationship to the third (3<sup>rd</sup>) degree of consanguinity with the General  
19 Manager of the Port, a Board Member of the Port, *I Maga'lahen Guåhan* or  
20 a Member of *I Liheslaturan Guåhan*.

21 **§10404. Other Public-Private Partnership through Performance**  
22 **Management Contract.** Notwithstanding any other provisions of law, the  
23 Board of Directors is authorized to enter into a public-private partnership  
24 through a performance management contract for other aspects of the Port  
25 operations it deems necessary, provided that the processes outlined in the  
26 above sections are complied with.

1           **§10405. Termination of Contract for Reasons Unrelated to**  
2 **Performance.** Should at some point in the future, a determination be made  
3 by *I Liheslaturan Guåhan*, that a broad-scale public-private partnership for  
4 the Port operations be advisable, subject to legislative approval, and if any  
5 agreements entered into pursuant to this Act are viewed as impeding, such  
6 provisions may be included in each contract for the purchase of such  
7 contract, except that no contract *shall* be purchased in any circumstance  
8 where a Contractor's performance has been deemed to be unacceptable in  
9 accordance with the provisions of this Act.

10           **§10406. Severability.** *If* any provision of this Act or its application  
11 to any person or circumstances is found to be invalid or contrary to law, such  
12 invalidity shall *not* affect other provisions or applications of this Act which  
13 can be given effect without the invalid provisions or applications, and to this  
14 end the provisions of this Act are severable.”



**PORT AUTHORITY OF GUAM**  
**ATURIDAT I PUETTON GUAHAN**  
**Jose D. Leon Guerrero Commercial Port**  
**GOVERNMENT OF GUAM**

1026 Cabras Highway, Suite 201  
Piti, Guam 96925



Telephone: (671) 477-5931/35

(671) 477-2683/85

Facsimile: (671) 477-2689/4445

Webpage: [www.portofguam.com](http://www.portofguam.com)

**FELIX P. CAMACHO**  
Governor of Guam

**MICHAEL W. CRUZ**  
Lieutenant Governor

January 5, 2010

The Honorable Thomas C. Ada  
Majority Whip  
Chairman, Committee on Utilities, Transportation,  
Public Works & Veterans Affairs  
Suite 207 Ada Plaza Center  
173 Aspinall Ave.  
Hagåtña, Guam 96910

***Re: Testimony on Bill No. 300-30(COR) An Act to amend section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership through a Performance Management Contract.***

Hafa Adai!

Mr. Chairman, Committee Members, Senators, we want to thank you for this opportunity to provide testimony on behalf of the Port Authority of Guam and the Board of Directors in support of Bill Number 300-30(COR), an Act to amend section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership through a Performance Management Contract.

As you know, the Port has been moving forward for the past few years on an aggressive effort to modernize our island's only commercial sea port. We have launched this Modernization Program in order to prepare our sea port for our natural organic growth and for the planned military buildup. This proposed Performance Management Contract is a crucial part of our plan which began a few years ago when the Port updated the Master Plan. We came to you for approval and that was granted last year. At the same time we engaged our financial strategy which provides the funding for this massive project. We are still awaiting word on our application for \$100 Million in federal grants and loans to launch the first phase of our Modernization Program. The third crucial element to this equation is our Performance Management Contract and that is why we are here today.

Public Law 29-23, enacted into law on October 24, 2007, authorized the Port Authority of Guam Board of Directors to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its cargo handling equipment and other aspects of the Port operations

as it deems necessary through a Request for Proposal (RFP), Multi-Step Bid (MSB) or Invitation for Bid (IFB). Such law has been codified by the Compiler of Laws under Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership through a Performance Management Contract.

The law also mandated that the Port award the performance management contract within 120 to 150 days of the date of issuance of the RFP, MSB, or IFB.

During the preparation process of the RFP by the Port staff and our Consultants, a timeline was developed to determine whether or not the Port would realistically meet the 150 days maximum as stipulated in the law. This timeline we developed reflects the procurement process, assumption of possible rejection of the first Offeror and negotiation with next potential Offeror and review by the Attorney General's Office and finally the Public Utilities Commission's (PUC) approval. With all of these components included, we determined that the award of the performance management contract would not be met by the 150 days maximum. Please note that at the time the law was prepared, the law placing the Port under the jurisdiction of PUC was enacted after October 2007; it being July 14, 2009 - Public Law 30-52.

Additionally, with the recent passage of Public Law 30-72 relative to the Attorney General's role in the procurement oversight and advisement of awards in excess of \$500,000, a meeting was held with the Attorney General's staff regarding their involvement in the process. It is the consensus of the Port and the Attorney General's staff that the timelines outlined in Public Law 29-23 would need to either be extended to 220 days or authority be granted to the Attorney General to extend the timelines in the procurement process as it deems necessary.

Due to those concerns, we requested that this legislation be introduced which would authorize the Attorney General to extend the timelines for the procurement process and award of such contract, taking into consideration the oversight of the Attorney General and PUC's respective approval process.

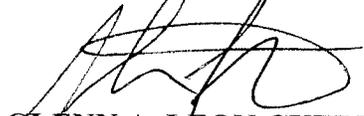
We also would like to recommend amending one section in the proposed legislation that would then reflect the following:

*“The Port shall award a performance management contract subject to the RFP, MSB or IFB detailed in this Section ~~within one hundred twenty (120) to one hundred fifty (150) no later than two hundred twenty (220) days of the date of issuance from the established deadline for submission or receipt of the RFP, MSB or IFB; provided, that qualified Offerors have submitted proposals in compliance with the procurement laws of Guam and the provisions of this Section...~~”*

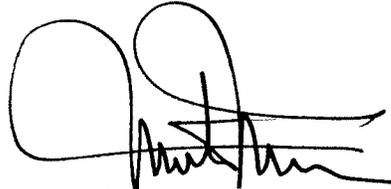
Senators, we want to thank you again for your continued support of our efforts to modernize the Port Authority of Guam. This proposed legislation, with the inclusion of the amendment, will assist us as we move forward with our PMC and will bring

all of the elements of this plan together to support us as we transform our island's only commercial sea port into a world-class facility.

Thank you and Si Yu'os Ma ase.



**GLENN A. LEON GUERRERO**  
General Manager  
Port Authority of Guam



**MONTE D. MESA**  
Chairman, Board of Directors  
Port Authority of Guam

Attachment: PMC Schedule



Alicia G. Limtiaco  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

## OFFICE OF THE ATTORNEY GENERAL

January 4, 2010

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
30th Guam Legislature  
Suite 104  
155 Hesler St.  
Hagåtña, Guam 96910

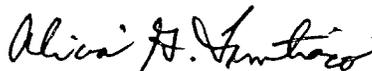
Office of the Speaker  
Judith T. Won Pat, Ed.D.  
Date: 1/4/10  
Time: 2:04 pm  
Signature: [Handwritten Signature]

Re: Bill No. 300-30 re: Amendment of Port's Performance Management Contract Law

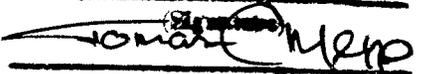
Dear Madame Speaker Won Pat:

The Office of the Attorney General supports the intent of Bill No. 300-30 as submitted by the Honorable Felix P. Camacho, Governor of Guam, to amend §10401 of Title 12 G.C.A. When §10401 was enacted into law in 2007, it had imposed a timeline that required the Port to award a performance management contract within 120 days to 150 days of the procurement solicitation. This timeline did not anticipate other legal requirements that included the requirement of approval by the Public Utilities Commission and the new role of the Attorney General in the procurement oversight and advisement of the award of contracts whose value is estimated to be \$500,000 or more. The proposed amendments to §10401 would extend the timeline to award such a contract from 120 days to 150 days, to no more than 220 days of the issuance of the RFP, MSB, or IFB, and authorizes the Attorney General to extend such timelines as it deems necessary and reasonable.

Sincerely,

  
Alicia G. Limtiaco  
Attorney General

**RECEIPT ACKNOWLEDGED**

By: \_\_\_\_\_  
  
\_\_\_\_\_  
(Print Name)  
CFO  
\_\_\_\_\_  
(Department)

cc: Governor of Guam

Date: 1/4/10 Time: 2:17pm



Senator Tom Ada

Jay Sunga <[ajsunga@senatorada.org](mailto:ajsunga@senatorada.org)>

---

## Re: Proposed Amendments to Bill No 300-30

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Tom Ada <[tom@senatorada.org](mailto:tom@senatorada.org)>

Mon, Jan 11, 2010 at 6:53 PM

To: Phil Tydingco <[ptydingco@guamattorneygeneral.com](mailto:ptydingco@guamattorneygeneral.com)>

Cc: Tab Borja <[tborja@guamattorneygeneral.com](mailto:tborja@guamattorneygeneral.com)>, AJay Sunga <[ajsunga@senatorada.org](mailto:ajsunga@senatorada.org)>

Phil,

Thank you for the response.

-----

Tom Ada

On Mon, Jan 11, 2010 at 10:33 AM, Phil Tydingco <[ptydingco@guamattorneygeneral.com](mailto:ptydingco@guamattorneygeneral.com)> wrote:

Dear Senator Ada,

As you will recall from the public hearing held last week on Bill No. 300-30, the Port Authority of Guam had also requested an amendment that would permit the Port to award the operations contract *no later than 220 days from the established deadline for submission of proposals* (rather than, no later than 220 days from the date of issuance of the RFP), and I was unable to respond to that particular amendment at that time. I had one of our Assistant Attorney General quickly research the issue to determine if there were any conflicts with current statutes and regulations. There appears to be none. It was determined that the only deadline set by law or regulations during the process of soliciting bids or proposals is a provision that the public notice for an RFP must be published at least 10 days before proposals are due to be submitted by prospective offerors. 2 GAR, Div 2, 3114(e). This does not affect the proposed provision under discussion, or the requested amendment of that provision.

Phil Tydingco  
Chief Deputy Attorney General  
287 West O'Brien Drive  
Hagatna, Guam 96910  
(671) 475-3360

---

Alicia G. Limtiaco  
Attorney General



J. Patrick Mason  
Deputy Attorney General  
Civil & Solicitor Divisions

## Office of the Attorney General

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April 23, 2007

4/24/07 - two ps  
RECEIVED

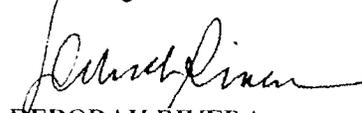
Memorandum (Informational)

Ref: PAG 07-0231

To: General Manager, Port Authority of Guam  
From: Assistant Attorney General  
Subject: Legal Services from Lujan Aguigui & Perez (Law Firm) for Port Authority

I am returning the purchase order for the services referenced above because the Attorney General is requiring all acquisitions of legal services to be memorialized in long form written agreements, and not purchase orders. Please see my previous memorandum on this subject to GSA dated January 18, 2007, a copy of which was provided to the Port at that time. I explained therein why purchase orders were inappropriate for legal services and requested a long form written agreement instead.

In fact, generally, purchase orders are sufficient only for supplies and general non-professional services which are acquired using the invitation to bid method or the multi-step method of procurement (5 GCA §5211). For professional services acquired using the request for proposals method (5 GCA §5216), the long form written contract is the appropriate format to memorialize the parties' agreement, most especially if the professional services are also personal services. These generalizations are in keeping with general accounting practices and the historical understanding of what a purchase order is and its standard usage.

  
DEBORAH RIVERA  
Assistant Attorney General

cc: Chief Procurement Officer, GSA

Alicia G. Limtiaco  
Attorney General



J. Patrick Mason  
Deputy Attorney General  
Civil & Solicitor Divisions

## Office of the Attorney General

---

January 18, 2007

Memorandum (Informational)

Ref: 07-0029

To: Chief Procurement Officer

From: Attorney General

Subject: Legal Services by Lujan Aguigui & Perez (Law Firm) for Port Authority

I am in receipt of your request for the Attorney General's approval on the requisition form for the acquisition of legal services to be provided by the Law Firm for the Port Authority.

The Guam Rules of Professional Conduct Rule 1.5(b) indicates that a written agreement is "preferred" because the parties must agree to the scope of representation, how and which expenses will be paid, and what the rates are. Except for rates, these items are not apparent on the face of the requisition form, nor can they be gleaned from the RFP that was issued. Furthermore, we are uncertain if you negotiated or intend for the rates to increase periodically as mentioned in the RFP under optional provisions, or even what the term of the contract is. According to the RFP's optional provisions, the term is one year with three annual renewals.

Therefore, purchase orders are inappropriate for legal services and probably violate Rule 1.5(b).

I also want to call to your attention that your cover letter to us makes an erroneous statement regarding the Port's procurement authority. You state that "GSA revoked the delegation of procurement authority from the Port." While GSA may revoke the Port's authority to procure general services (and supplies), GSA has no authority to revoke the Port's ability to procure professional services. The ability to procure professional services vests directly in a government agency according to 5 GCA §5121(a). GSA only has statutory oversight of services which are not professional in nature. However, agencies may ask GSA for, and GSA may provide, assistance to agencies in their procurement of professional services.

**Memorandum**

**To: Chief Procurement Officer**

**Re: Legal Services for Port by Lujan Aguigui and Perez**

**January 18, 2007**

**Page 2 of 2 Pages**

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Therefore, the acquisition for these professional services still lies with the Port.

Otherwise, the procurement record looks fine. Please have the Port send us a written contract instead.



DEBORAH RIVERA  
Assistant Attorney General

cc: General Manager, Port Authority of Guam



**FELIX P. CAMACHO**  
Governor of Guam

**MICHAEL W. CRUZ**  
Lieutenant Governor

**PORT AUTHORITY OF GUAM**  
**ATURIDAT I PUETTON GUAHAN**  
**Jose D. Leon Guerrero Commercial Port**  
**GOVERNMENT OF GUAM**

1026 Gabras Highway, Suite 201  
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Webpage: [www.portofguam.com](http://www.portofguam.com)

March 23, 2007

The Honorable Alicia G. Limtiaco  
Attorney General  
Office of the Attorney General  
Justice Building  
287 West O'Brien Drive  
Hagatna, Guam 96910

**RE: Purchase Order for Legal Services**

Dear Attorney General Limtiaco,

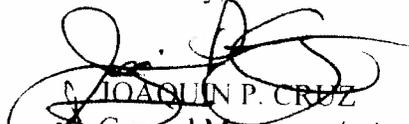
Transmitted herewith is Purchase Order No. 6802-OS and the Additional Agreement for your signature.

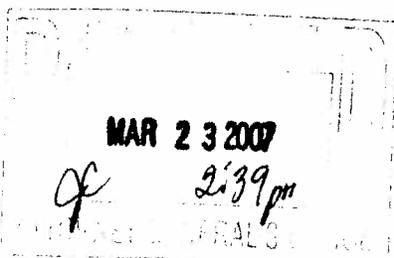
The purchase order and additional agreement is for legal professional services provided to the Port Authority of Guam from the Law Firm of Lujan, Aguigui & Perez, LLP.

Upon your review and approval, contact can be made with Mrs. Margret Katsuren, Executive Secretary on the retrieval of such documents for further processing at 477-5931, ext.302/303 or [mdkatsuren@portofguam.com](mailto:mdkatsuren@portofguam.com).

Your assistance in expediting this matter is greatly appreciated. Should you have any questions, please do not hesitate to call my office.

Sincerely,

  
**JOAQUIN P. CRUZ**  
General Manager, Acting



FCN-2-2-186 (APPROVED 10/68)

INDICATE METHOD BY NUMBER  
 03 OTHER CONTRACTUAL SERVICES  
 SUPPLIES & MATERIALS  
 EQUIPMENT  
 XX MISCELLANEOUS

**PURCHASE ORDER**



**PORT AUTHORITY OF GUAM**  
 1026 CABRAS HIGHWAY  
 SUITE 201  
 PITI, GUAM 96925

**PURCHASE ORDER**

No. 6802 OS

THIS NUMBER MUST APPEAR ON ALL PACKAGES AND PAPERS PERTAINING TO THIS ORDER

DATE  
**January 19, 2007**

**ID # 98-0020236**

REQUISITION NUMBER <b>ON# 8144</b>	ACTIVITY <b>Port Authority of Guam</b>	ALLOTMENT <b>70.8656</b>
TO <b>LUJAN AGUIGUI &amp; PEREZ, LLP ATTORNEYS AT LAW 300 PACIFIC NEWS BUILDING 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910</b>	CONSIGNEE, DESTINATION AND MARKING <b>Port Authority of Guam 1026 Cabras Highway Suite 201 Piti, Guam 96925</b>	
INVITATION NO.	CONTRACT NO. <b>RFP#PAGRFP-07-001</b>	TIME FOR DELIVERY
DELIVERY F.O.B.	SHIPPING POINT	SHIP VIA
		EXPIRING <b>9/30/07</b>
		DISCOUNT TERMS
		B.L. NO.

ITEM NO.	ARTICLES OR SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1.	<p><b>THIS PURCHASE ORDER IS ISSUED TO COVER THE COST FOR LEGAL SERVICES ON AN AS NEEDED BASIS COMMENCING UPON RECEIPT OF PURCHASE ORDER TO PROVIDE SERVICES TO SERVE AS COUNSEL TO THE PORT AUTHORITY OF GUAM (PAG) PERTAINING TO MATTERS REQUIRING PAG TO OBTAIN INDEPENDENT COUNSEL BUT NOT LIMITED TO THE FOLLOWING SCOPE OF SERVICES:</b> (a) Provide Legal advice and opinions concerning the laws of Guam and the United States within a reasonable time period; (b) Represent PAG in litigation before the courts of Guam and the United States; (c) Legal advice and opinions concerning the affairs of PAG such as preparing opinions, resolutions, drafting bills, rules, regulations, contract negotiations, Board of Directors meeting, meeting with the Legislature and agencies of the Government of Guam and the United States as requested by the Port Authority of Guam; (d) Provide legal advice and opinions in areas specific to corporate law and Local &amp; Federal Maritime Rules and Regulations, which shall include but not be limited to domestic and international tax structuring, loan and lease structuring, capital financing, and trust and insurance regulations; (e) Provide the above listed services within stringent timeframes required to maintain efficient and effective operations at the Authority; and (f) Any other special services as may be required and requested by PAG and its Board of Directors.</p> <p><b>CONTRACT PERIOD &amp; RENEWAL OPTION:</b> The contract period will be for one (1) year with the option to renew annually for three (3) additional years, but not to exceed a maximum of five (5) years. The renewal will be subject to the consent of both parties if reasonable and justified (in writing) price adjustment and available of appropriated funds. If no funds are appropriated in the next fiscal year, the contract shall be terminated with no further liability to the Government.</p> <p><b>Compensation:</b> Hourly rates: \$200.00 - Partners; \$165.00 - Associates \$100.00 - Research Associates, Law Clerks Paralegals, and Legal Assistants.</p> <p><b>"Commonwealth Now"</b></p> <p><b>Certified Funds Available</b></p> <p><i>[Signature]</i>  <b>Authorized Certifying Officer</b></p>				\$50,000.00
		APPROVED AS TO FORM: ATTORNEY GENERAL			
		ALICIA G. LIMTIACO		DATE	
		CONTRACT PRICE: Shall be effective for one (1) year.			
<b>Not to exceed the amount below.</b>					

ORIGINAL	<b>TOTAL</b>	<b>\$50,000.00</b>
<p>Contractor: Please supply promptly the above articles or services. All correspondence pertaining to this order including invoices, shipping documents and packages must bear the Purchase Order number shown above.</p> <p>See reverse side for billing and shipping instructions.</p>	<p><i>[Signature]</i>  <b>SIGNATURE</b>  <b>JOSEPH W. DURAN, GENERAL MANAGER</b></p> <p>NAME TITLE</p>	

PORT AUTHORITY OF GUAM  
ATURIDAT I PUETTON GUAHAN  
Jose D. Leon Guerrero Commercial Port  
GOVERNMENT OF GUAM  
1026 Cabras Highway, Suite 201  
Piti, Guam 96915



Telephone: (671) 477-5931/35  
(671) 477-2683/85  
Facsimile: (671) 477-2689/444  
Webpage: [www.portofguam.com](http://www.portofguam.com)

FELIX P. CAMACHO  
Governor of Guam

MICHAEL W. CRUZ  
Lieutenant Governor of Guam

**Additional Agreements to Purchase Order No. 6802- OS**  
**For Legal Services – Port Authority of Guam**

1. Attorney agrees that in no instance shall it represent the interest of any person, natural or legal against PAG any court action. In the event of a conflict of interest in representing PAG in any legal matter, Attorney may arrange for an appropriate alternate legal representative, subject to the approval of PAG.
2. **Personnel:** Attorney David J. Lujan and/or Ignacio C. Aguigui, shall be the primary legal representative of the Law Office of Lujan Aguigui & Perez LLP but any and all members of the Law Office of Lujan Aguigui & Perez LLP shall assist in discharging the duties of Attorney.
3. **Compensation:** (a) Attorney shall periodically invoice PAG for payments and shall be required to provide a record of hours worked and the description of work; (b) PAG's obligation for payment of attorney's fees and costs shall be subject to the availability of funds for such payment.
4. **Expenses:** PAG shall reimburse Attorney for the following expenses if incurred on behalf of PAG:
  - (a) Travel, food, lodging, and other related traveling expenses, provided the prior approval of PAG is obtained for such travel and provided further that reimbursement for such travel expenses shall be pursuant to PAG's policy and rates for per diem compensation;
  - (b) The costs and fees of legal experts, consultants, specialists, investigators and co-counsel, retained by Attorney with the prior approval of PAG; at PAG's election to be paid directly to such experts, consultants, specialists, and co-counsel, or to Attorney as reimbursement;
  - (c) Process servers' fees, court reporters' fees, long distance telephone calls, messenger and delivery fees, postage, photocopying, parking, online legal research fees, and other similar items customarily paid for by clients;
  - (d) Any other expenses provided that the prior approval of PAG has been obtained; and
  - (e) Any other expenses that although the prior approval of PAG was not obtained, PAG determines to have been beneficial and justified.

Attachment:  
Purchase Order No.: 6802-OS  
Legal Services -- PAG  
01/19/07

Attorney shall provide vouchers and receipts, together with a brief explanation of such expenses that it has incurred for the benefit of PAG.

5. **Compliance with Laws and Regulations:** In performing the work provided for herein, Attorney agrees to comply with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, both territorial and federal. Attorney assumes full responsibility for the payment of all contributions, payroll taxes, or assessments, territorial or federal, and further agrees to meet all requirements that may be specified under regulations of administrative officials or bodies charged with enforcement of any territory or federal laws on this subject.
6. **Access to Records:** Attorney shall maintain all books, documents, papers, accounting records, and other evidence concerning the expenses and costs incurred by Attorney's performance and shall make such material available to PAG or its designee(s) for inspection and copying upon request during the term of this Agreement.
7. **Miscellaneous:**
  - (a) Attorney shall not assign or subcontract any work or services herein without the prior written consent of PAG.
  - (b) Time is of the essence concerning all provisions of this Agreement.
  - (c) All briefs memoranda, reports, summaries, and other documents used by or furnished to Attorney during the course of this Agreement shall remain PAG's property including, all publication rights and copyright interests.
  - (d) This Agreement is made under and shall be governed and construed in accordance with the laws, statutes, and regulations of the Territory of Guam.
  - (e) Any approvals required herein by PAG shall mean that approval by the PAG General Manager or Chairperson of the Board is required, unless another person is designated by the PAG to issue particular or limited approvals on certain matters.
  - (f) Attorney warrants that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated, or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted of an offense with the same elements as heretofore defined in any other jurisdiction, or who is listed on the Sex Offender Registry shall provide services on behalf of Attorney while on government of Guam property, with the exception of public highways. If any employee of the Attorney is providing services on government property and is convicted subsequent to an award of a contract, then the Attorney warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will remove immediately such convicted person from providing services on government property. If the

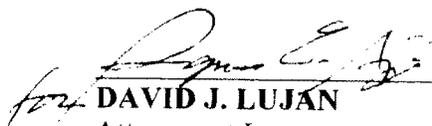
Attachment:  
Purchase Order No.: 6802-OS  
Legal Services - PAG  
01/19/07

Attorney is found to be in violation of any of the provisions of this paragraph, then the Attorney shall take corrective action within twenty-four hours notice from the Government, and the Attorney shall notify the Government when action has been taken. If the Attorney fails to take corrective steps within twenty-four hours of the notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

8. **Price Escalation:** A maximum of five percent (5%) from contracted price may be allowed upon each completion of one (1) year of services. Contractor selecting to exercise this option must advise the Port Authority of Guam (PAG) in writing no less than thirty (30) days prior to the effective date of the increase. Increase allowed shall not exceed the contractor's cost for services to similar clients, whichever is lower.

LUJAN AGUIGUI & PEREZ LLP

PORT AUTHORITY OF GUAM

  
for DAVID J. LUJAN      3-22-07  
Attorney at Law      DATE

  
JOAQUIN P. CRUZ      3-22-07  
General Manager, Acting      DATE

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ALICIA G. LIMTIACO**      DATE  
Attorney General



**COMMITTEE ON RULES**

*I Mina' Trenta na Libeslaturan 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  
VICE  
CHAIRPERSON**

**MAJORITY  
MEMBERS:**

**Judith T. Won Pat  
SPEAKER**

**Benjamin J. F. Cruz  
VICE SPEAKER**

**Tina Rose Mufia Barnes  
LEGISLATIVE SECRETARY**

**Thomas C. Ada  
SENATOR**

**Frank B. Aguon, Jr.  
SENATOR**

**Adolpho B. Palacios, Sr.  
SENATOR**

**Vicente C. Pangelinan  
SENATOR**

**Matthew Rector  
SENATOR**

**MINORITY  
MEMBERS:**

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

**James V. Espaldon  
SENATOR**

December 18, 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 No. 300-30 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 300-30 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, 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 Tajalle at 472-7679.

*Si Yu'os Ma'åse'!*

(1) Attachment

2009 DEC 19 PM 1:47  
MK

***I Mina'Trenta Na Liheslaturan Guåhan***  
**Bill Log Sheet**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b>
B300-30 (COR)	T. C. Ada, A. B. Palacios, Sr.	An act to amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership through a Performance Management Contract.	12/18/09 11:27 a.m.	12/18/09	Committee on Utilities, Transportation, Public Works, and Veterans Affairs			



## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

December 28, 2009

### MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada  
Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: January 5, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on January 5, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

#### 9:00 am

#### **Bill No. 300-30 (COR)**

AN ACT TO AMEND SECTION 10401 OF TITLE 12, GUAM CODE ANNOTATED, CHAPTER 10, PORT AUTHORITY OF GUAM, ARTICLE 4, PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE MANAGEMENT CONTRACT.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until January 15, 2010, 5pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of Bill No. 300-30 may be found on the official Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature  
Sergeant-at-Arms/ Protocol/ A/V  
MIS



Senator Tom Ada

Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

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## Public Hearing Notice January 5,2010

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Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

Mon, Dec 28, 2009 at 4:25 PM

To: [judiguthertz@pticom.com](mailto:judiguthertz@pticom.com), [senjim@ite.net](mailto:senjim@ite.net), "Adolpho B. Palacios" <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>, Ben Pangelinan <[senbenp@guam.net](mailto:senbenp@guam.net)>, "Edward J.B. Calvo" <[sencalvo@gmail.com](mailto:sencalvo@gmail.com)>, "Frank B. Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>, "Frank F. Blas, Jr." <[frank.blasjr@gmail.com](mailto:frank.blasjr@gmail.com)>, Jimmy Espaldon <[senator@espaldon.com](mailto:senator@espaldon.com)>, Judi Won Pat <[info@judiwonpat.com](mailto:info@judiwonpat.com)>, Matt Rector <[matt@mattrector.com](mailto:matt@mattrector.com)>, Ray Tenorio <[ray@raytenorio.com](mailto:ray@raytenorio.com)>, "Rory J. Respicio" <[roryforguam@gmail.com](mailto:roryforguam@gmail.com)>, Telo Taitague <[senatortelo@gmail.com](mailto:senatortelo@gmail.com)>, Tina Muna Barnes <[tinamunabarnes@gmail.com](mailto:tinamunabarnes@gmail.com)>, Tom Ada <[tom@senatorada.org](mailto:tom@senatorada.org)>, Pat Santos <[psantos@guamlegislature.org](mailto:psantos@guamlegislature.org)>, [sgtarms@guamlegislature.org](mailto:sgtarms@guamlegislature.org), [vbermudes@guamlegislature.org](mailto:vbermudes@guamlegislature.org), "Yong, Pak" <[yong@guamlegislature.org](mailto:yong@guamlegislature.org)>, [aokada@guamlegislature.org](mailto:aokada@guamlegislature.org), [chris.budasi@guamlegislature.org](mailto:chris.budasi@guamlegislature.org), [ciquinata@gmail.com](mailto:ciquinata@gmail.com), [cyrus@senatorada.org](mailto:cyrus@senatorada.org), [doc.wyittenbachsantos@gmail.com](mailto:doc.wyittenbachsantos@gmail.com), [edpocaigne@judiwonpat.com](mailto:edpocaigne@judiwonpat.com), [edpocaigne@yahoo.com](mailto:edpocaigne@yahoo.com), [elg@guamlegislature.org](mailto:elg@guamlegislature.org), [epgogue@hotmail.com](mailto:epgogue@hotmail.com), [fa\\_irenem@yahoo.com](mailto:fa_irenem@yahoo.com), [fbtorres@yahoo.com](mailto:fbtorres@yahoo.com), [jamespcastro@gmail.com](mailto:jamespcastro@gmail.com), [jennifer@mattrector.com](mailto:jennifer@mattrector.com), [jessica@raytenorio.com](mailto:jessica@raytenorio.com), [jonbdiaz@gmail.com](mailto:jonbdiaz@gmail.com), [justin@mattrector.com](mailto:justin@mattrector.com), [legislativesecretary1@gmail.com](mailto:legislativesecretary1@gmail.com), [lizama.frances@gmail.com](mailto:lizama.frances@gmail.com), [mark@judiwonpat.com](mailto:mark@judiwonpat.com), [maryfejeran@gmail.com](mailto:maryfejeran@gmail.com), [maya.alonso@gmail.com](mailto:maya.alonso@gmail.com), [mermae@raytenorio.com](mailto:mermae@raytenorio.com), [mjperez48@yahoo.com](mailto:mjperez48@yahoo.com), [mona.duenas@gmail.com](mailto:mona.duenas@gmail.com), [patrickcepeda@hotmail.com](mailto:patrickcepeda@hotmail.com), [pjtcruz@yahoo.com](mailto:pjtcruz@yahoo.com), [rjquitugua@gmail.com](mailto:rjquitugua@gmail.com), [riikeke05@gmail.com](mailto:riikeke05@gmail.com), [rob.tupaz@gmail.com](mailto:rob.tupaz@gmail.com), [roberto.phil@gmail.com](mailto:roberto.phil@gmail.com), [roland@judiwonpat.com](mailto:roland@judiwonpat.com), [rsmuna@yahoo.com](mailto:rsmuna@yahoo.com), [sahara@judiwonpat.com](mailto:sahara@judiwonpat.com), [sayama01@yahoo.com](mailto:sayama01@yahoo.com), [teddytaz\\_222@yahoo.com](mailto:teddytaz_222@yahoo.com), [tpmatanane@yahoo.com](mailto:tpmatanane@yahoo.com), [vel.komiyama@yahoo.com](mailto:vel.komiyama@yahoo.com), [zunior0831@hotmail.com](mailto:zunior0831@hotmail.com), bill phillips <[phillipsguam@gmail.com](mailto:phillipsguam@gmail.com)>, Derick Hills <[derickhills@live.com](mailto:derickhills@live.com)>, Elaine Tajalle <[elainevtll@gmail.com](mailto:elainevtll@gmail.com)>, Frank Torres <[fbtorres@judiwonpat.com](mailto:fbtorres@judiwonpat.com)>, Fred Burgos <[fred@mattrector.com](mailto:fred@mattrector.com)>, Gina Tabonares <[aguonmedia@gmail.com](mailto:aguonmedia@gmail.com)>, Jose Cruz <[josecruzjr17@yahoo.com](mailto:josecruzjr17@yahoo.com)>, Joy Unpingco <[joyunpingco@gmail.com](mailto:joyunpingco@gmail.com)>, Lisa Cipollone <[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)>, Mary Lou Wheeler <[mlwheeler2000@yahoo.com](mailto:mlwheeler2000@yahoo.com)>, Mike Lidia <[mike.lidia9@gmail.com](mailto:mike.lidia9@gmail.com)>, Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>, Phillip Leon Guerrero <[phill@raytenorio.com](mailto:phill@raytenorio.com)>, Ron Taitague <[ez2plez57@yahoo.com](mailto:ez2plez57@yahoo.com)>, "teddytaz@ite.net" <[teddytaz@ite.net](mailto:teddytaz@ite.net)>, Tony Quitugua <[tq@guamlegislature.org](mailto:tq@guamlegislature.org)>, Daniel Perez <[dperez@guamlegislature.org](mailto:dperez@guamlegislature.org)>, Dorothy Cruz <[dot@guamlegislature.org](mailto:dot@guamlegislature.org)>, Elvy Mew <[emew@guamlegislature.org](mailto:emew@guamlegislature.org)>, Flo Terlaje <[fterlaje@guamlegislature.org](mailto:fterlaje@guamlegislature.org)>, Maria Nieves Materne <[nieves@guamlegislature.org](mailto:nieves@guamlegislature.org)>, Martha Cruz <[macruz@guamlegislature.org](mailto:macruz@guamlegislature.org)>, Mike Carlson <[mcarlson@ite.net](mailto:mcarlson@ite.net)>, Rennae Perez <[rennae@guamlegislature.org](mailto:rennae@guamlegislature.org)>, Therese Terlaje <[tterlaje@guam.net](mailto:tterlaje@guam.net)>

Hafa Adai,

Please find Public Hearing Notice for Bill No. 300-30 which will be held on January 5, 2010, 9:00a.m. in the Legislature's Public Hearing Room.

Thank you,

Tom



Public Hearing - 1st Notice - Dec 28 - All Senators.docx.pdf  
367K



Senator Tom Ada

Tom Camacho <tcamacho@senatorada.org>

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## Public Hearing Notice January 5,2010

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Tom Camacho <tcamacho@senatorada.org>

Mon, Dec 28, 2009 at 4:19 PM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbgum.com

Hafa Adai,

Please find the Public Hearing Notice for Bill No. 300-30 scheduled to be heard on January 5, 2010 at 9:00a.m. in the Legislature's Public Hearing Room.

Thank you,

Tom



Public Hearing - 1st Notice - Dec 28 - All Media.docx.pdf

374K

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*Senator Tom Ada*

Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

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## Public Hearing Notice January 5,2010

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Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

Mon, Dec 28, 2009 at 4:43 PM

To: [news@guampdn.com](mailto:news@guampdn.com), [gdumat-ol@guampdn.com](mailto:gdumat-ol@guampdn.com)

Hafa adai,

Please find attached PDF regarding Public Hearing on January 5, 2010 at 9am - Bill 300-30 (COR). We kindly request that you place this information in your Governmental Notices Section.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Nicole



**Public Hearing - 1st Notice - Dec 28 - All Media.docx.pdf**

374K

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## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

December 28, 2009

### MEMORANDUM

To: All Media

From: Senator Thomas C. Ada  
Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: January 5, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on January 5, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

#### **9:00 am**

#### **Bill No. 300-30 (COR)**

AN ACT TO AMEND SECTION 10401 OF TITLE 12, GUAM CODE ANNOTATED, CHAPTER 10, PORT AUTHORITY OF GUAM, ARTICLE 4, PUBLIC-PRIVATE PARTNERSHIP THROUGH A PERFORMANCE MANAGEMENT CONTRACT.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until January 15, 2010, 5pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of Bill No. 300-30 may be found on the official Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature  
Sergeant-at-Arms/ Protocol/ A/V  
MIS



Senator Tom Ada

Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

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## 2nd Notice of Public Hearing - January 5, 2010

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Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

Thu, Dec 31, 2009 at 1:44 PM

To: [judiguthertz@pticom.com](mailto:judiguthertz@pticom.com), [senjim@ite.net](mailto:senjim@ite.net), "Adolpho B. Palacios" <[senabpalacios@gmail.com](mailto:senabpalacios@gmail.com)>, Ben Pangelinan <[senbenp@guam.net](mailto:senbenp@guam.net)>, "Edward J.B. Calvo" <[sencalvo@gmail.com](mailto:sencalvo@gmail.com)>, "Frank B. Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>, "Frank F. Blas, Jr." <[frank.blasjr@gmail.com](mailto:frank.blasjr@gmail.com)>, Jimmy Espaldon <[senator@espaldon.com](mailto:senator@espaldon.com)>, Judi Won Pat <[info@judiwonpat.com](mailto:info@judiwonpat.com)>, Matt Rector <[matt@mattrector.com](mailto:matt@mattrector.com)>, Ray Tenorio <[ray@raytenorio.com](mailto:ray@raytenorio.com)>, "Rory J. 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Hafa Adai,

Please find attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Tuesday, January 5, 2010.

Thank you,

Tom



Public Hearing Notice - Jan 5 2010 - All Senators.docx.pdf

367K



Senator Tom Ada

Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

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## 2nd Notice of Public Hearing - January 5, 2010

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Tom Camacho <[tcamacho@senatorada.org](mailto:tcamacho@senatorada.org)>

Thu, Dec 31, 2009 at 1:47 PM

To: [news@k57.com](mailto:news@k57.com), [editor@mvguam.com](mailto:editor@mvguam.com), [ksto@ite.net](mailto:ksto@ite.net), [news@guampdn.com](mailto:news@guampdn.com), [gdumat-ol@guampdn.com](mailto:gdumat-ol@guampdn.com), [bmkelman@guampdn.com](mailto:bmkelman@guampdn.com), [sabrina@kuam.com](mailto:sabrina@kuam.com), [nick.delgado@kuam.com](mailto:nick.delgado@kuam.com), [kevin@spbgum.com](mailto:kevin@spbgum.com)

Hafa Adai,

Please find attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Tuesday, January 5, 2010.

Thank you,

Tom



**Public Hearing Notice - Jan 5 2010 - All Media.docx.pdf**

374K

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Senator Tom Ada

Tom Camacho <tcamacho@senatorada.org>

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## 2nd Notice of Public Hearing - January 5, 2010

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Tom Camacho <tcamacho@senatorada.org>

Thu, Dec 31, 2009 at 1:49 PM

To: news@guampdn.com, gdumat-ol@guampdn.com

Hafa Adai,

Please find attached memo from the Committee on Utilities, Transportation, Public Works, and Veterans Affairs for a Public Hearing on Tuesday, January 5, 2010. We kindly request that you place this information in your Governmental Notices Section.

Thank you,

----- Forwarded message -----

From: **Tom Camacho** <tcamacho@senatorada.org>

Date: Mon, Dec 28, 2009 at 4:43 PM

Subject: Public Hearing Notice January 5,2010

To: [news@guampdn.com](mailto:news@guampdn.com), [gdumat-ol@guampdn.com](mailto:gdumat-ol@guampdn.com)

Hafa adai,

Please find attached PDF regarding Public Hearing on January 5, 2010 at 9am - Bill 300-30 (COR). We kindly request that you place this information in your Governmental Notices Section.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Nicole



**Public Hearing - 1st Notice - Dec 28 - All Media.docx.pdf**

374K

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## Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs  
30<sup>th</sup> Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

**AGENDA**  
**PUBLIC HEARING**  
**TUESDAY, JANUARY 5, 2010**  
**Public Hearing Room, *I Liheslaturan Guahån***

The agenda is as follows:

**9:00 am**

**B300-30** – An Act to Amend Section 10401 of Title 12, Guam Code Annotated, Chapter 10, Port Authority of Guam, Article 4, Public-Private Partnership Through a Performance Management Contract.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until DECEMBER 15, 2010, 5pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of agenda items can be found on the official Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)). Please contact our office should you have any questions or concerns.



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

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**FELIX PEREZ CAMACHO**  
GOVERNOR

**BERTHA M. DUENAS**  
DIRECTOR

**MICHAEL W. CRUZ, M.D.**  
LIEUTENANT GOVERNOR

**JAN 12 2010**

The Bureau requests that Bill No(s) 300-30 be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The Bill is administrative in nature and poses no fiscal impact to the General Fund at this time.

  
**BERTHA M. DUENAS**  
Director

