

PC



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-12-1028

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 6/19/12
Time 4:27 PM
Received by [Signature]

June 18, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 438-31 (LS) "AN ACT TO ADD A NEW §5220 TO PART B OF ARTICLE 3, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POSTING INVITATIONS FOR BID (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ONLINE", which I signed into law on June 15, 2012 as **Public Law 31-228**.

Senseramente,

RAY TENORIO
I Maga'lahaen Guåhan para pa'go
Acting Governor of Guam

2012 JUN 19 PM 5:04

Attachment: copy of Bill

1628

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

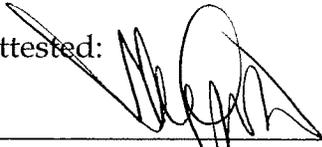
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 438-31 (LS), "AN ACT TO ADD A NEW §5220 TO PART B OF ARTICLE 3, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POSTING INVITATIONS FOR BID (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ONLINE", was on the 4th day of June, 2012, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



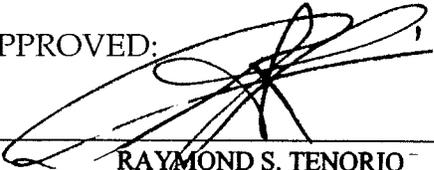
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7th day of June, 2012, at 1:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: JUN 15 2012

Public Law No. 31-228

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2012 (SECOND) Regular Session

Bill No. 438-31 (LS)

Introduced by:

V. Anthony Ada
T. C. Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
V. C. Pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW §5220 TO PART B OF ARTICLE 3, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POSTING INVITATIONS FOR BID (IFBs) AND REQUESTS FOR PROPOSALS (RFPs) ONLINE.

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

2 **Section 1.** A new §5220 is *added* to Part B of Article 3, Chapter 5 of Title
3 5, Guam Code Annotated, to read:

4 “§ 5220. **Publication of IFB and RFP Documents on the**
5 **Agency’s Website.** (a) Notwithstanding any other provision of this
6 Chapter, Invitations for Bid (IFBs) and Requests for Proposals (RFPs) *shall*

1 be posted on the procuring agency's website. IFBs and RFPs procured
2 through the General Services Agency (GSA) or the Department of Public
3 Works (DPW) *shall* be posted, on the date of the IFB/RFP announcement,
4 simultaneously on the procuring agency's website and the websites of GSA
5 and DPW respectively. No fees shall be assessed to prospective bidders or
6 other parties for accessing/downloading procurement documents from an
7 agency's website. Such documents *shall* remain on the respective agencies'
8 websites for a period of *not less than* one hundred eighty (180) days
9 following the award of the Bid or Proposal.

10 (b) The GSA/DPW *shall* provide notice in each IFB/RFP
11 announcement that recommends that prospective bidders/respondents
12 register contact information with the agency to ensure that they receive any
13 notices regarding any changes or updates to the IFB/RFP. The GSA/DPW
14 *shall not* be liable for failure to provide notice to any party who *did not*
15 register contact information.

16 (c) Nothing herein is intended to prevent the procuring agency,
17 GSA, or DPW from making physical or digital media copies of procurement
18 documents and assessing reasonable fees for such documents in a manner
19 consistent with public law, administrative rules and regulations, and
20 departmental policy that existed prior to the enactment of this Section.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 6/4/12

VOTING SHEET

Bill No. 438-31(LS)

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.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
Web Address: www.senatorbjcruz.com



I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

May 23, 2012

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

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

2012 MAY 29 AM 9:22
1111

RE: Committee Report on Bill No. 438-31 (LS)

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.- referred to the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.

Committee votes are as follows:

- 4 TO DO PASS
- TO NOT PASS
- 2 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

Bill No. 438-31 (LS)

**“An act add a new §5220 to Chapter 5 of 5GCA
relative to posting IFBs and RFPs online.”**



May 23, 2012

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 438-31 (LS) - V. Anthony Ada- "An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online."

Transmitted herewith for your consideration is the Committee Report on

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 438-31(LS)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 438-31(LS)
- Fiscal Note Requirement
- Notices of Public Hearing
- 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 438-31 (LS) - V. Anthony Ada- “An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 5/23/12				
MUNA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member		✓ 5/23/12				
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member				5/23/12		
ADA, V. ANTHONY Member						
DUENAS, CHRISTOPHER Member		✓ 5/23/12				
MABINI, SAM Member				5/23/12		
YAMASHITA, ALINE Member						



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Tuesday, April 17, 2012 at 9:00 a.m. at the Public Hearing room at *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 438-31 (LS) - V.A. Ada "An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online."

Bill 438-31(LS), would mandate that all bids for IFB's and RFP's would be posted on line. This would create more competition in the bidding process and foster an environment of transparency in procurement.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on April 10, 2012 and April 15th, 2012 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator Tom Ada, Committee Member
Senator Dennis Rodriguez Jr., Committee Member
Senator Judith P. Guthertz, DPA., Committee Member
Senator V. Anthony Ada, Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Chris Duenas, Committee Member
Senator Sam Mabini Ph.D., Committee Member
Senator Mana Silva Taijeron, Committee Member

The public hearing was called to order at 9:06 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Attorney General Phil Tydingco provided positive testimony on the bill. Attorney John Thomas Brown also provided written testimony on the measure, and it has been appended to this report. Listed below are the sponsor's rebuttals to Attorney Brown's concerns.

Overall: Mr. Brown's recommendations lose sight of the main purpose and "single subject" of the bill. The author's purpose is to simply take the solicitation documents (bid packets) that the



GSA/DPW provide in the form of hard/digital copies and place them on the internet. That is the single subject of the bill. The bill is not intended to rewrite the manner by which bid packets are prepared!

Legislative Findings and Intent: The author's intent is to make solicitations free to prospective respondents.

Section 5260: No problems changing 5220 to 5260

First Part of Section 5260: The Section replaces IFBs and RFPs with solicitations. This change creates a problem. The threshold where a purchase is required to use and IFB for most agencies is \$10,000. Purchases of \$9,999.99 and below do not require an IFB (they require 3 quotes). If this change requires an agency to post its request for quotes online and then wait for a minimum time period to elapse, it could bring purchasing for small ticket items to a complete standstill. Under Guam law, a request for a price quote is a solicitation for a price.

Paragraph at the end of page 2 to the middle of page 3 (second part of Section 5260): This paragraph will rewrite the manner by which solicitation packets are prepared. This is not the intent of the legislation. This goes beyond the subject of the bill and should be the subject of separate legislation. While I do not disagree with the recommendation, it is not fair to put this new subject matter in the bill "after" the hearing. Ethically, this subject matter should be in an original bill and interested parties should be given the opportunity to comment on it at a scheduled hearing.

Paragraph (b) at the end of Page 3: Mr. Brown struck through all of existing Paragraph (b). This paragraph was added to the bill at the insistence of the Chief Procurement Officer and the Attorney General. The concern that this section was intended to appease is related to the requirement to notify all parties who picked up a packet about and changes in the solicitation process.

New language for paragraph (b): Again, this language goes way beyond the original intent of the bill. 438-31 is not intended to rewrite the solicitation notices or packet contents. It is simply intend to place the solicitation documents online and free of charge. Interested parties will not have to opportunity to adequately prepare testimony on this new subject in advance of the hearing. It should be the subject of a separate bill and interested parties provided the opportunity to testify on it.

Proposed changes to paragraph (c): I oppose the deletion of references to statutory authorities outside of Chapter 5. Under the FOIA and other statutes, the public has a right to obtain

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER

Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting.
Web Address: www.senatorbjcruz.com



I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

The 31st Guam Legislature • senator@senatorbjcruz.com
155 Hesler Place, Hagatna, Guam 96910
Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

procurement documents and other information related to procurement. FOIA, for example assess fees on a cost per page basis or the cost of digital media. Other agencies also have procurement related statutes that are in addition to this in Chapter 5 of 5GCA such as many autonomous agencies. Many bond bills also have procurement related mandates notwithstanding Chapter 5.

I support the inclusion of the Freedom of Information Act as an additional statutory authority.

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting to which was Bill No. 438-31 (LS) - V.A. Ada "An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online." hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guåhan* and reports out Bill No. 438-31 (LS) with a recommendation **TO REPORT OUT ONLY**.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (SECOND) REGULAR SESSION

Bill No. 438-31 (CS)

Introduced by:

V. Anthony Ada

2012 FEB 2 23

**AN ACT ADD A NEW §5220 TO CHAPTER 5 OF 5GCA
RELATIVE TO POSTING IFBs AND RFPs ONLINE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Section 5220 is *added* to Chapter 5 of 5GCA to read:

§5220. Publication of IFB and RFP documents on the Agency's Website.

Notwithstanding any other provision of this Chapter, Invitations for Bid (IFBs) and Requests for Proposals (RFPs) shall be posted on the procuring agency's website. IFBs and RFPs procured through the General Services Agency (GSA) or the Department of Public Works (DPW) shall be posted, on the date of the IFB/RFP announcement, simultaneously on the procuring agency's website and the websites of GSA and DPW respectively. No fees shall be assessed to prospective bidders or other parties for accessing/downloading procurement documents from an agency's website. Such documents shall remain on the respective agencies' websites for a period of not less than one hundred eighty (180) days following the award of the Bid or Proposal.

(b) The GSA/DPW shall provide notice in each IFB/RFP announcement that recommends that prospective bidders/respondents register contact information with the agency to ensure that they receive any notices regarding any changes or updates to the IFB/RFP. The GSA/DPW shall not be liable for failure to provide notice to any party who did not register contact information.

1 (c) Nothing herein is intended to prevent the procuring agency, GSA, or DPW from
2 making physical or digital media copies of procurement documents and assessing
3 reasonable fees for such documents in manner consistent with Public Law,
4 Administrative Rules and Regulations, and departmental policy that existed prior to
5 the enactment of this section.

JOHN THOS. BROWN
ATTORNEY AT LAW *

GENERAL COUNSEL

Jones & Guerrero Co. Inc. (Guam, USA)
Its divisions, subsidiaries and affiliates[†]
J&G Corporate Office
545 Chalan Machaute, (Rte 8 @ Biang St.), Maite, Guam 96910

Telephone: +1-671-477-7293
Fax: +1-671-472-6153
email: jngo@ozemail.com.au
Mobile/Cell phone: +1-671-483-5960
POSTAL: GPO Box 7, Hagåtña, Guam 96932

April 16, 2012

Vice Speaker Benjamin J.F. Cruz, 31st Legislature
Chair, Committee on Procurement etc.
155 Hesler St.
Hagåtña, Guam 96910

VIA eMail pdf file

RE: Bill 438-31

Dear Vice Speaker Cruz,

With respect, I offer my comments on the referenced Bill, introduced by Senator V. Anthony Ada. I heartedly endorse the generation of more timely publicity about GovGuam contracting opportunities. More publicity should be expected to generate more competition, more competition should generate more savings of tax dollars, Guam and Federal.

At the end of this letter I have included a "redlined" copy of the bill, indicating in more detail my comments for improving the language of the bill.

The "improvements" mainly go to broadening the scope to cover more than just bids and rfps, in the interests of transparency and fairness, as elaborated in proposed § 5260(a).

Recognizing the need to track parties and give notices of amendments, I have elaborated on the language of § 5260(b) to reduce the number of ambiguities involved and hopefully provide guidance when language will not suffice.

Minor changes have been made in § 5260(c) to make it consistent with the law.

Senseramente and With Respect,

/s/

John Thos. Brown

* Admitted to Practice: California, Guam and Commonwealth of Northern Mariana Islands, USA [Inactive in NSW, Australia]*

† Micronesian Brokers, Inc. (Guam and CNMI)/Town House Department Stores, Inc. (Guam)/J&G Distributors/Aquarius Beach Towers, (Saipan, CNMI)/Livno Holdings PTY LTD (A.C.N. 003 585 331)/Townhouse, Inc. (Saipan, CNMI)/ IBSS (Guam and Saipan)

PROPOSED CHANGES TO:

AN ACT ADD A NEW PART F, §5260 TO CHAPTER 5 OF 5GCA
RELATIVE TO POSTING ~~IFBs AND RFPs~~ SOLICITATIONS ONLINE.
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings: Fundamental purposes and principles of this Chapter are to foster effective broad-based competition, ensure the fair and equitable treatment of all persons who deal with the procurement system, and to maximize to the fullest extent practicable the purchasing value of public funds. An essential means of achieving those purposes is providing notice to the public of government procurement contracting opportunities. The provisions of Part F of Article 3 of Chapter 5, Title 5, are intended to be applicable, to the maximum extent possible, to every method of source selection authorized by this Chapter.

Section 2. A new Part F of Article 3, is *added* to Chapter 5 of 5 GCA to be entitled "Publication of Solicitations".

Section ~~†~~ 3. A new Section ~~5220~~ 5260 is *added* to Chapter 5 of 5GCA to read:

~~§5220~~ 5260. Publication of ~~IFB and RFP~~ solicitation documents ~~on~~ online ~~the Agency's Website.~~
~~Notwithstanding~~ (a) In addition to any other provision of this Chapter, ~~Invitations for Bid (IFBs)~~
~~and Requests for Proposals (RFPs)~~ solicitation documents for any procurement conducted under
any method of source selection authorized by this Chapter shall be posted ~~on the procuring~~
~~agency's website. IFBs and RFPs procured through the General Services Agency (GSA) or the~~
~~Department of Public Works (DPW).~~ shall be posted, on the date of the IFB/RFP announcement,
~~simultaneously on the~~ a procuring agency's website, ~~and~~ *and* the websites of GSA, if the
procurement is for supplies or services, ~~and~~ or DPW, if the procurement is for construction
~~respectively~~. "Solicitation documents" shall include an Invitation for Bids, a Request for
Proposals, a request for quotations, a request for information, a request for a statement of
qualifications or interest, specifications, scope of work, and any other document issued by Guam

to describe the availability or purpose of any actual or proposed solicitation for procurement, including all procurement solicitations conducted as authorized in Part B, Article 3 of this Chapter. Any solicitation document required to be posted shall be posted within 48 hours, excluding Guam holidays, Saturdays and Sundays, after the earliest of (i) the publication of such solicitation in any newspaper, (ii) the announcement of such solicitation, (iii) the distribution or other communication of the solicitation to any actual or prospective bidder, offeror or contractor, and prior to the opening of any bid or offer, except in an emergency, in which case it shall be posted within twenty-one calendar days following the declaration of such emergency. The website shall indicate the status of any such solicitation as either "pending", "awarded" or "cancelled" or "other" and specify the date of such status; in the event of "other" it shall specify the other circumstance. Failure to post a solicitation document or its status as required by this Section shall not constitute grounds to protest a solicitation or award, but each such failure shall constitute a breach of the duty of office by the head of the agency which has so failed, and the Department of Administration shall place a letter of reprimand for each such breach in the personnel file of the head of agency, which reprimand(s) shall be public information. The accumulation of more than five (5) such reprimands in any twelve month period, without particular and compelling justification, shall be adequate grounds for termination. No fees shall be assessed to prospective bidders or other parties for accessing or downloading procurement solicitation documents from an agency's website. Such documents shall remain on the respective agencies' websites for a period of not less than one hundred eighty (180) days following the award of the Bid or Proposal issue of any purchase order issued in connection with the solicitation.

(b) ~~The GSA/DPW shall provide notice in each IFB/RFP announcement that recommends that prospective bidders/respondents register contact information with 17 the agency to ensure that they receive any notices regarding any changes or updates to the IFB/RFP. The GSA/DPW shall not be liable for failure to provide notice to any party who did not register contact information.~~

Whenever amendments to or notices regarding solicitations are required to be sent to all

prospective bidders or offerors known to have received the solicitation. The agency website on which any solicitation shall be published shall include a means of electronic registration allowing any party to register interest in the solicitation as a prospective bidder or offeror, to include a physical and electronic address of such party, to supplement the contact information provided by those persons who pick up a hard copy of the solicitation document from the agency. "Electronic address" shall include a fax address or email address or other commonly accepted means of electronic digital communication other than voice. Whenever any IFB or RFP has been posted online, or whenever amendments to or notices regarding solicitations are required to be sent to prospective bidders or offerors, all amendments and notices related to that solicitation shall be posted directly or by link on the website on which the solicitation originally appeared, and the agency shall send all such amendments and notices to such electronic addresses given, but if no electronic address is given then to the physical address. Any such amendment or notice shall be deemed received when given by electronic email to the electronic address registered or constructively given twentyfour (24) hours after posting on the website, Guam holidays, Saturdays and Sundays excepted, or five (5) calendar days after mailing to the physical address, whichever is latest. The agency shall maintain electronic copies of all such information posted and sent, including a log of the dates and times thereof, which shall be part of the complete record of each procurement as required by § 5249 of this Chapter.

(c) Nothing herein is intended to prevent the procuring agency, GSA; or DPW from making otherwise providing physical or digital media copies of procurement documents and assessing reasonable fees for such documents in manner consistent with this Chapter ~~Public Law, Administrative Rules and Regulations, and departmental policy that existed prior to the enactment of this section.~~

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 438-31 (LS)**

AN ACT TO ADD A NEW §5220 TO CHAPTER 5 OF 5 GCA RELATIVE TO POSTING IFBs AND RFPs ONLINE.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Joanne M.S. Brown
Department's General Fund (GF) appropriation(s) to date: Base Operations \$8,456,304; Health Cost Account \$221,084; GWA Reimbursement Medical/Dental/Life Insurance \$345,428	9,022,816
Department's Other Fund (Specify) appropriation(s) to date: Department's Other Fund (Specify) appropriation(s) to date: Base Operations - DPW Building & Design Fund (DPWBDF) \$497,806, Guam Highway Fund (GHF) \$8,484,373, Solid Waste Operations Fund (SWOF) \$6,246,626; Health Cost Account - GHF \$205,611, DPWBDF \$6,906; Utilities Cost Account - GHF \$1,306,215, SWOF \$200,000 (not including public streetlights appropriations under DOA-Street Light Fund \$3,473,531, Tourist Attraction Fund \$212,482, GHF \$2,323,190)	16,947,537
Total Department/Agency Appropriation(s) to date:	\$25,970,353

Dept./Agency Affected: Administration	Dept./Agency Head: Benita A. Manglona
Department's General Fund (GF) appropriation(s) to date: Base Operations \$7,379,220; Health Cost Account \$100,579; GWA Reimbursement Medical/Dental/Life Insurance \$151,314; Utility Cost Account \$298,000; and Special Appropriations \$21,612,462	29,541,575
Department's Other Fund (Specify) appropriation(s) to date: Department's Other Fund (Specify) appropriation(s) to date: Base Operations - Indirect Cost Fund (ICF) \$867,593; Health Cost Account (ICF) \$39,832; and Special Appropriations - Tourist Attraction Fund \$18,000 and Guam Highway Fund \$18,000	943,425
Total Department/Agency Appropriation(s) to date:	\$30,485,000

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance ¹		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	1/	1/	1/	1/	1/	1/
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	1/	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment // Yes /X/ No
- Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ /X/ N/A // Yes // No
- Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? // N/A // Yes /X/ No // Yes /X/ No
- Will the enactment of this Bill require new physical facilities? // Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /X/ No
// Requested agency comments not received by due date /X/ Other: Time constraints

Analyst: Angela Flores Date: 4/6/12 Director: [Signature] Date: APR 12 2012
JOHN A. RIOS

Footnotes:
1/ There is potential for additional impacts to the Government of Guam, however, in its present form, that impact cannot be determined at this time.



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Sen. Respicio's Ofc.

FACSIMILE NUMBER: 472-8547

FROM: BBMR

Total Pages including this page: 4

If you do not receive legible copies of all the pages, please call back as soon as possible. Phone numbers (671) 475-9412/9106. Fax number (671) 472-2825

RE: fiscal notes

COMMENTS:

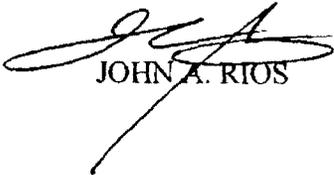
**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932**EDDIE BAZA CALVO**
GOVERNOR**RAY TENORIO**
LIEUTENANT GOVERNOR**JOHN A. RIOS**
DIRECTOR**STEPHEN J. GUERRERO**
DEPUTY DIRECTOR**APR 12 2012**

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: 425-31(COR), 436-31(COR), 438-31(LS), 441-31(COR), 443-31(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS

Enclosures

cc: Senator Vicente (ben) Pangelinan



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

March 14, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill No. 438-31(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 438-31 (LS).

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 members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

I Mina Trentai Unu Na Liheslaturan Guahan
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
438-31 (LS)	V. Anthony Ada	AN ACT ADD A NEW §5220 TO CHAPTER 5 OF 5GCA RELATIVE TO POSTING IFBs AND RFPs ONLINE.	03/13/12 2:23 p.m.	3/14/2012		Committee on Youth, Cultural Affairs, Procurement, General Governmental Operations and Public Broadcasting			



April 10, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: First Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Tuesday, April 17, 2012, beginning at 9:00 A.M.** in *I Liheslatura's* Public Hearing Room on the following items:

- Bill No. 376-31 (COR) - B.J.F. Cruz- An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.
- Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.
- Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to *amend* §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.
- Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477- 2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker via telephone at 477-2521 or via email at chris.carillo@senatorbjcruz.com.



Chris Carillo <chris.carillo@senatorbjcruz.com>

1st Notice of Public Hearing- April 17, 2012

3 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Tue, Apr 10, 2012 at 2:18 AM

To: speaker@judiwonpat.com, tom@senatorada.org, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, joshua.tenorio@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, senator@senatorbjcruz.com, Chris Carillo <chris.carillo@senatorbjcruz.com>
Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, dcrisostomo@guampdn.com, rgibson@k57.com, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, janela@mvguam.com, hottips@kuam.com, news@spbguam.com, news@guampdn.com, news@k57.com, parroyo@k57.com, kevin@spbguam.com, clynt@spbguam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please Disregard last message, I forgot to attach notice.

Please see the attached notice from Vice Speaker Cruz:

April 10, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: First Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Tuesday, April 17, 2012, beginning at 9:00 A.M.** in / *Liheslatura's* Public Hearing Room on the following items:

· Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

· Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the

Listserv: phnotice@guamlegislature.org

As of Mar. 07, 2012

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
ashelton.senatorrodriguez@gmail.com
audrey@judiwonpat.com
chechsantos@gmail.com
cherbert.senatorrodriguez@gmail.com
cipo@guamlegislature.org
clerks@guamlegislature.org
colleen@judiwonpat.com
cor@guamlegislature.org
cyrus@senatorada.org
doc.wytenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edpocaigue@judiwonpat.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
faith.r@senatormabini.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jason@senatorpalacios.com
jcamacho@senatorada.com
jean@tinamunabarnes.com
jeff.m@senatormabini.com
jennifer@senatorpalacios.com
jimespaldon@yahoo.com
jmesngon.senatorrodriguez@gmail.com
john.calvo@noaa.gov
jtenorio@guamcourts.org
judiguthertz@gmail.com
julian@senatorpalacios.com
leonguerrero.angela@gmail.com
lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
maryfejeran@gmail.com
mcarlson@guamlegislature.org
mis@guamlegislature.org
baza.matthew@gmail.com
berlene@senatorpalacios.com
bruce.lloyd.media@gmail.com
candasofrank@gmail.com
charissatenorio@gmail.com
msuarez.senatorrodriguez@gmail.com
mtorres.senatorrodriguez@gmail.com
myracle.m@senatormabini.com
ncruz.senatorrodriguez@gmail.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
phillipsguam@gmail.com
pris@senatorpalacios.com
regine@tinamunabarnes.com
rfteehan@yahoo.com
rob.tupaz@gmail.com
roryforguam@gmail.com
santos.duenas@gmail.com
sem@guamlegislature.org
senator@senatorbjcruz.com
senator@senatorpalacios.com
senator@tinamunabarnes.com
senatorrodriguez@gmail.com
senatormabini@senatormabini.com
senatorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgrarmes@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tinaokada@gmail.com
tom@senatorada.org
tterlaje@guam.net
uriah@tinamunabarnes.com
val.g@senatormabini.com
vkomiyama.senatorrodriguez@gmail.com
wilcastro671@gmail.com
vinson.calvo@gmail.com
dmany05@hotmail.com
bdydasco@yahoo.com
cheerfulcatunao@yahoo.com
edelynn1130@hotmail.com

christiana.j.ramirez@gmail.com;
desori623@hotmail.com
qduenas_8@yahoo.com

m.salaila@yahoo.com
ataligba@gmail.com



April 15, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: Second Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Tuesday, April 17, 2012, beginning at 9:00 A.M. in I Liheslatura's Public Hearing Room on the following items:

- Bill No. 376-31 (COR) - B.J.F. Cruz- An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.
- Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.
- Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.
- Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477- 2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker via telephone at 477-2521 or via email at chris.carillo@senatorbjcruz.com.

Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.

Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.

Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

Please provide written testimonies at least one day prior to the hearing to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477- 2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Chris Carillo at the Office of the Vice Speaker via telephone at 477-2521 or via email at chris.carillo@senatorbjcruz.com.



Chris Carillo <chris.carillo@senatorbjcruz.com>

2nd Notice of Public Hearing April 17th 2012

4 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>

Sun, Apr 15, 2012 at 1:48 AM

To: speaker@judiwonpat.com, tom@senatorada.org, senatorTonyada@guamlegislature.org, senator@tinamunabarnes.com, frank.blasjr@gmail.com, duenasenator@gmail.com, judiguthertz@gmail.com, sensorsam@senatormabini.com, senbenp@guam.net, cor@guamlegislature.org, senatorRodriguez@gmail.com, senatormana@gmail.com, Aline4families@gmail.com, phnotice@guamlegislature.org, ABPalacios@gmail.com, joshua.tenorio@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, sarah.nededog@senatorbjcruz.com, senator@senatorbjcruz.com, Chris Carillo <chris.carillo@senatorbjcruz.com>
Cc: mindy@kuam.com, sabrina@kuam.com, jason@kuam.com, bmkelman@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, janela@mvguam.com, hottips@kuam.com, news@spbguam.com, news@guampdn.com, news@k57.com, parroyo@k57.com, kevin@spbguam.com, clynt@spbguam.com, Krystal Paco <krystal@kuam.com>

Hafa Adai All,

Please see the attached Notice from Vice Speaker Cruz.

April 15, 2012

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J. F. Cruz

RE: 48 Hour Notice of Public Hearing- April 17th 2012

Hafa Adai! Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Tuesday, April 17, 2012, beginning at 9:00 A.M. in I Liheslatura's Public Hearing Room on the following items:

Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.

Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code



Public Hearing Agenda
April 17th 2012
Public Hearing Room I Lihelatura

Public Notices were disseminated on April 10th and April 15th
2012 Via Email to the Media and All Senators

Bill No. 376-31 (COR) - B.J.F. Cruz-An act to amend Section 5123, and to repeal Chapter 57 of Chapter 5 of Title 5 of the Guam Code Annotated, Relative to the purchasing, maintenance and inventory of Government Vehicles.

Bill No. 419-31 (COR) - B.J.F. Cruz- An act to amend § 5102, and § 5103 of Chapter 5 of Title 4 of the Guam Code Annotated; relative to an update and revision of approved political activity by government employees.

Bill No. 436-31 (COR) - J.T. Won Pat, Ed.D.- An act to amend §5625.1 of Chapter 5, Title 5 Guam Code Annotated, relative to protest procedure for procurement funded with Public Law 31-40 moneys allotted to the Guam Department of Education.

Bill No. 438-31 (LS) - V. Anthony Ada- An act add a new §5220 to Chapter 5 of 5GCA relative to posting IFBs and RFPs online.

**I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (SECOND) REGULAR SESSION**

Bill No. 438-31 (LS)

Introduced by:

V. Anthony Ada

2012 FEB 23

**AN ACT ADD A NEW §5220 TO CHAPTER 5 OF 5GCA
RELATIVE TO POSTING IFBs AND RFPs ONLINE.**

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

2 **Section 1.** A new Section 5220 is *added* to Chapter 5 of 5GCA to read:

3
4 **§5220. Publication of IFB and RFP documents on the Agency's Website.**

5 Notwithstanding any other provision of this Chapter, Invitations for Bid (IFBs) and
6 Requests for Proposals (RFPs) shall be posted on the procuring agency's website.
7 IFBs and RFPs procured through the General Services Agency (GSA) or the
8 Department of Public Works (DPW) shall be posted, on the date of the IFB/RFP
9 announcement, simultaneously on the procuring agency's website and the websites of
10 GSA and DPW respectively. No fees shall be assessed to prospective bidders or
11 other parties for accessing/downloading procurement documents from an agency's
12 website. Such documents shall remain on the respective agencies' websites for a
13 period of not less than one hundred eighty (180) days following the award of the Bid
14 or Proposal.

15 (b) The GSA/DPW shall provide notice in each IFB/RFP announcement that
16 recommends that prospective bidders/respondents register contact information with
17 the agency to ensure that they receive any notices regarding any changes or updates
18 to the IFB/RFP. The GSA/DPW shall not be liable for failure to provide notice to
19 any party who did not register contact information.

1 (c) Nothing herein is intended to prevent the procuring agency, GSA, or DPW from
2 making physical or digital media copies of procurement documents and assessing
3 reasonable fees for such documents in manner consistent with Public Law,
4 Administrative Rules and Regulations, and departmental policy that existed prior to
5 the enactment of this section.