

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Bill No. 369 (LS / EC)

Introduced by:

R. Klitzkie
Mark Forbes

**AN ACT TO ADD A NEW § 5805 AND TO AMEND § 5121(c) AND
5211(g), ALL OF TITLE 5 G.C.A., CHAPTER 5, ARTICLE 13
RELATIVE TO REQUIRING THE CHIEF PROCURMENT
OFFICE TO ENSURE ALL BIDDERS COMPLY WITH THE
U.S.D.O.L. WAGE DETERMINATION AS DETAILED IN TITLE 5,
G.C.A. CHAPTER 5, ARTICLE 13.**

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

2 **Section One. Awards & Compliance.** A new Title 5 G.C.A., Chapter 5, Article 13, §
3 5805 is added to read:

4 “§ 5805. Awards & Compliance. The Chief Procurement Officer may require bidders to
5 submit declarations made pursuant to Title 6 G.C.A., Division 2, Chapter 4, Article 3, §4308 to
6 show compliance with §§ 5801 and 5802 of this chapter, if applicable.”

7 **Section Two. Approval of Contracts Generally.** Title 5, Chapter 5, § 5121(c) is
8 amended to read:

9 “(c) Approval of Contracts Generally. The Chief Procurement Officer, or his designee, or
10 a procurement officer of an agency authorized to procure the services or supplies in question, as
11 stated in the Rules promulgated by the Policy Office, shall execute all contracts for the
12 government of Guam. The Chief Procurement Officer may approve standard form contracts or
13 purchase orders which include a showing of compliance with §§ 5801 & 5802 of this Chapter,
14 and once such approval of the standard form is given, contracts or purchase orders made on such
15 form may be executed without the further approval of the Chief Procurement Officer unless he
16 has reserved such power of approval pursuant to the applicable rules promulgated by the Policy
17 Office.”

18 **Section Three. Invitation for Bids.** Title 5, Chapter 5, § 5211(b) is amended to read:

1 “(b) **Invitation for Bids.** An Invitation for Bids shall be issued and shall include a
2 purchase description, a recitation of the Wage Determination most recently issued by the U.S.
3 Department or Labor, and all contractual terms and conditions applicable to the procurement to
4 include a showing of compliance with §§ 5801 & 5802 of this Chapter, if applicable.”

5 **Section Four. Award.** Title 5, Chapter 5, § 5211(g) is amended to read:

6 “(g) **Award.** The contract shall be awarded with reasonable promptness by written notice
7 to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the
8 Invitation for Bids and whose bid amount is sufficient to comply with Article 13 of this Chapter,
9 if applicable. In the event all bids for a construction project exceed available funds as certified by
10 the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such
11 funds by more than five percent (5%), the Chief Procurement Officer, the Director of Public
12 Works, or the head of a purchasing agency, is authorized in situations where time or economic
13 considerations preclude resolicitation of work of a reduced scope to negotiate an adjustment of
14 the bid price, including changes in the bid requirements, with the low responsive and responsible
15 bidder, in order to bring the bid within the amount of available funds.”