

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

Bill No. 398 (EC)
As Substituted by the Author

4:05 P
12/7/06

Introduced by:

L.F. Kasperbauer
Mark Forbes

**AN ACT TO AMEND SECTIONS 5030(K), AND 5125 OF
TITLE 5 OF THE GUAM CODE ANNOTATED AND TO
ADD SECTION 5121(E) TO TITLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE GOVERNMENT OF
GUAM RETIREMENT FUND'S EXEMPTION FROM THE
CENTRALIZED PROCUREMENT REGIME.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The Board of Trustees of the Government of Guam Retirement Fund owes fiduciary duties to the members of the Fund. The Board of Trustees is tasked with discharging its duties with care, skill, prudence and diligence. In line with exercising its fiduciary duties, and to protect the members of the Fund, it is in the best interests of the Fund for it to retain a certain level of autonomy with respect to procurement matters.

Section 2. Section 5030(k) of Part C, Article 1, Chapter 5, Title 5 of the Guam Code Annotated is hereby amended as follows:

Governmental Body means any department, commission, council, board, bureau, committee, institution, agency, government

1 corporation, authority or other establishment or establishment or
2 official of the executive branch of the government of Guam, except
3 for the Government of Guam Retirement Fund, Guam Community
4 College, the University of Guam, the Guam Public School System,
5 and the Guam Memorial Hospital Authority.

6 **Section 3.** Section 5121(e) of Part C, Article 2, Chapter 5, Title 5 of the Guam
7 Code Annotated is hereby added as follows:

8
9 (e) Approval of Contracts by Government of Guam Retirement Fund.
10 Notwithstanding any other provisions of law, the Board of Trustees of
11 the Government of Guam Retirement Fund shall have exclusive
12 authority to approve and execute all contracts for the procurement of
13 personnel, services, supplies, and other items associated with the
14 operation of the Fund.

15 **Section 4.** Section 5125 of Part C, Article 2, Chapter 5, Title 5 of the Guam Code
16 Annotated is hereby amended as follows:

17
18 Every governmental body which is in the purview of the
19 Executive Branch, and including the Government of Guam
20 Retirement Fund, Guam Community College, the University of
21 Guam, the Guam Public School System, the Guam Memorial Hospital
22 Authority, Guam Economic Development and Commerce Authority,
23 and the Guam Visitor's Bureau, shall be governed by Articles 1, 3, 6,
24 7, 10, 11 and 12 of this Chapter, except to the extent that any such
25 governmental body or other above-named body may be exempted

1 from the centralized procurement regime of Article 2 of this Chapter,
2 in which event the Director of each such governmental body or other
3 abovenamed body shall be substituted wherever there is reference to
4 the Public Policy Office, Chief Procurement Officer or Director of
5 Public Works in Articles 4, 5, 8 and 9 of Chapter 5 of Title 5 of the
6 Guam Code Annotated.

7 It is the intent of *I Liheslaturan Guåhan* [the Legislature] to
8 require all Executive Branch governmental bodies, including
9 autonomous agencies, and other above-named bodies, to be governed
10 to the maximum extent practicable by Chapter 5 of Title 5 of the
11 Guam Code Annotated. This provision requires any governmental
12 body, and each above-named body, to conduct their procurement
13 activities pursuant to Chapter 5 of Title 5 of the Guam Code
14 Annotated, except insofar as said Chapter establishes and effects a
15 system of centralized procurement.

16 **Section 5. Effective Date.** The amendments herein shall be effective upon the
17 enactment.