

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 372 (EC)

Introduced by:

B.J.F. CRUZ
R.J. RESPICIO
J.P. GUTHERZ

AN ACT TO CONSTRUCT A NEW JOHN F. KENNEDY HIGH SCHOOL ON THE SITE OF THE EXISTING HIGH SCHOOL BY REQUIRING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE FINANCING, DESIGN, AND DEMOLITION OF THE EXISTING STRUCTURES AND CONSTRUCTION OF A NEW EDUCATIONAL FACILITY WITHIN 30 DAYS OF ENACTMENT OF THIS ACT INTO LAW BY ADDING A NEW TITLE 5 GUAM CODE ANNOTATED CHAPTER 58 § 58200.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslaturan Guåhan*
3 finds that the students and staff of John F. Kennedy High School are
4 presently being forced to endure a double session at the George
5 Washington High School campus because of the delays that have already
6 occurred in the process of replacing the existing JFK campus.

7 *I Liheslatura* additionally finds that further delays in the process of
8 building a new campus for JFK students will only lengthen the double
9 sessions, perhaps for several more years. This is not in the best interests of
10 the students of either high school, and is not in the best interests of the
11 people of Guam.

1 *I Liheslatura* therefore intends to move forward with the process of
2 requiring the issuance of a request for proposals to build a new campus for
3 the students of John F. Kennedy High School, to be located at the same site
4 on which the current JFK stands. It is additionally the intent of *I Liheslatura*
5 to fund the design, demolition, and construction of a new high school
6 facility, including furniture, equipment and any necessary infrastructure
7 upgrades, either through a Lease-Back process or through bond financing
8 upon the maturation of the Limited Obligation (Section 30) Bonds Series A
9 2001 in Fiscal Year 2012.

10 **Section 2. A *new* Title 5 Guam Code Annotated Chapter 58 § 58200**
11 **is added to read:**

12 **“§ 58200. Request for Proposals for the construction of a new**
13 **John F. Kennedy High School facility.** Subject to the approval of *I*
14 *Liheslaturan Guåhan*, the government of Guam shall issue a Request
15 for Proposals (“RFP”) through the Department of Public Works, in
16 compliance with the Guam Procurement Law and consistent with
17 this §58200, for the financing, design, demolition of such portions of
18 the existing John F. Kennedy High School as necessary, and
19 construction of an Education Facility on the site of the existing John F.
20 Kennedy High School, to replace the existing school. The new

1 Education Facility shall be known as the "John F. Kennedy High
2 School." Such RFP shall contain the following:

3 a. A requirement that the Contractor to be responsible
4 for all costs, expenses and fees associated with the design, civil
5 improvements, on-site and off-site infrastructure, construction,
6 permits, and financing associated with the completion of the
7 Education Facility, including the financing of furniture and
8 equipment for the Education Facility. The Contractor shall also
9 be responsible for the capital maintenance and upkeep of the
10 Education Facility, excluding the furniture and equipment,
11 throughout the term of the contractual agreement with the
12 government of Guam.

13 b. A requirement that each proposal submitted shall
14 provide a minimum of three financing options, including a
15 Lease or Lease-Back option pursuant to § 58104 of this Act,
16 which shall not exceed 30 (thirty) years from the date of
17 occupancy, as well as an option in which the government of
18 Guam fully repays the Contractor for the Education Facility,
19 including furniture and equipment, by Fiscal Year 2013.

20 c. An option that allows the Contractor to assign,
21 without need of consent, to any underwriter or other

1 appropriate party that has facilitated the issuance of the tax
2 exempt bonds or other financial vehicles necessary, to provide
3 the financing for the Education Facility.

4 d. A requirement that occupancy of the Education
5 Facility take place no later than 9 (nine) months after execution
6 of the Contract.”

7 **Section 3. Issuance of Request for Proposals.** The Department of
8 Public Works *shall* issue a Request for Proposals pursuant to the provisions
9 of this Act *no later than 30 days after* the enactment of this Act into law.

10 **Section 4. Severability.** *If* any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such
12 invalidity shall *not* affect any other provision or application of this Act
13 which can be given effect without the invalid provision or application, and
14 to this end the provisions of this Act are severable.