


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

2011 APR 20 11 44 AM '11

Bill No. 159-3i(cov)

Introduced by:

B.J.F. CRUZ   
T.R. MUNA BARNES

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**AN ACT TO ESTABLISH THE GUAM PROCUREMENT  
ADVISORY COUNCIL BY ADDING A NEW ARTICLE  
14 TO TITLE 5 OF THE GUAM CODE ANNOTATED**

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

2 **Section 1.** A new Article 14 is added to Title 5 of the Guam Code

3 Annotated as follows:

4 **“ARTICLE 14**

5 **GUAM PROCUREMENT ADVISORY COUNCIL**

6 **§ 5900. Guam Procurement Advisory Council.** There is hereby  
7 established within the Government of Guam, the Guam Procurement  
8 Advisory Council (Council) to research, evaluate, analyze, review and make  
9 recommendations to improve, address and modernize government  
10 procurement and contracting.

11 **§ 5901. Composition.** The Council shall be comprised of the  
12 following members:

- 13 1. The Attorney General of Guam or his designee, who shall serve  
14 as Chairperson of the Council;
- 15 2. The Public Auditor or his designee;
- 16 3. The Compiler of Laws;
- 17 4. The Chief Procurement Officer;

- 1           5.     The Director of Administration;
- 2           6.     The Director of Public Works;
- 3           7.     An attorney in private practice admitted to the Guam Bar
- 4                 selected by *I Maga'lahaen Guåhan*;
- 5           8.     A Guam resident experienced in the construction industry
- 6                 selected by *I Maga'lahaen Guåhan*;
- 7           9.     A Guam resident experienced in the retail or service sector
- 8                 selected by *I Maga'lahaen Guåhan*;
- 9           10.    The Chairman of the Board of Accountancy; and
- 10          11.    The Dean of the School of Business and Public Administration
- 11                 of the University of Guam.

12           **§ 5902. Duties.** The Council is empanelled to perform the following  
13 duties:

- 14           1.     Conduct studies, research and analysis on all matters relating to the
- 15                 effectiveness, responsiveness and timeliness of government
- 16                 procurement including the review and comparison with model
- 17                 procurement code legislation and consultation with division heads,
- 18                 school principals and other mid-level managers and end users of
- 19                 government procured goods and services;
- 20           2.     Critically examine the substantive and procedural aspects of the
- 21                 Guam Procurement Act and existing administrative rules and
- 22                 regulations governing procurement;
- 23           3.     Review the legal infrastructure of the government procurement
- 24                 system to ensure the uniformity of law, regulation and practice
- 25           4.     Propose recommendations for the improvement and modernization
- 26                 and the use of “best value” and “performance based” methods as
- 27                 the basis for evaluation of government procurement activities;

1 5. Make recommendations and identify methods to address new  
2 industries and technologies and financial systems, while  
3 maintaining the general principles of procurement law; and

4 6. Review, make recommendations and provide advice on any aspect  
5 of law, regulation or policy that affect procurement, including laws  
6 and processes not directly found in the Guam Procurement Act.

7 **§ 5903. Limitations.** The Council shall not have any executive  
8 participation in the day-to-day implementation of the Guam Procurement  
9 Act. It shall not have any executive, legislative, or adjudicative review  
10 authority over procurement matters.

11 **§ 5904. Reports.** The council shall provide reports to the Speaker of *I*  
12 *Liheslaturan Guåhan* and to *I Maga'lahren Guåhan* as follows:

13 (a.) **First Report.** The first report of the Council shall be made on  
14 October 01, 2011 indicating its progress. The report may  
15 include any recommendations for proposed legislation,  
16 revisions to administrative rules and regulations or any relevant  
17 matter.

18 (b.) **Second Report.** The second report of the Council shall be  
19 made on February 01, 2012 indicating its progress. The report  
20 may include any recommendations for proposed legislation,  
21 revisions to administrative rules and regulations or any relevant  
22 matter.

23 (c.) **Final Report.** The final report of the Council shall be made on  
24 July 01, 2012 and shall include draft legislation, revisions to  
25 administrative rules and regulations or any relevant matter.

26 **§ 5905. Administration.** The Council shall have the authority to  
27 retain professional and support staff to assist it with its duties. However, the

1 Director of Administration shall provide and coordinate administrative  
2 support services to the Council from the Department of Administration. The  
3 Office of Attorney General, the Office of the Public Auditor, and other  
4 executive branch agencies may provide, loan or transfer resources to the  
5 Council to support its operations.”