


*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

Bill No. 360-21(COR)

Introduced by:

M. Silva Taijeron 

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**AN ACT TO AMEND § 5425, PART A, ARTICLE 9, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO A DEADLINE FOR THE ISSUANCE OF DECISIONS ON PROTESTED SOLICITATIONS AND REWARDS, IN ACCORDANCE WITH GUAM PROCUREMENT LAW.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the acquisition of necessary equipment or services is essential to ensuring that a  
4 government functions effectively, and adequately serves its people. When the  
5 contracting of government services involves the expenditure of public funds, there is  
6 a reasonable expectation of accountability and transparency. The procurement process  
7 is an important step during the government's acquisition of equipment and services,  
8 as it offers a competitive and fair opportunity for prospective vendors to provide for  
9 the needs of the government at optimum value.

10           *I Liheslaturan Guåhan* further finds that proper procurement practices are  
11 largely concerned with making sure that taxpayer money is well spent, that the  
12 products obtained are of good quality and that they are obtained without corruption  
13 and in the spirit of a competitive and fair market. Chapter 5, Title 5 of the Guam  
14 Code Annotated, outlines various aspects of the procurement process adhered to by

1 the government of Guam including cost principles, supply management and federal  
2 compliance.

3 The current process contains provisions that allow for the filing of a protest by  
4 bidders who were ultimately not chosen to provide certain services or equipment to  
5 the government of Guam. Although unsatisfied bidders are entitled to file protests,  
6 and many protests arise from valid concerns, a protest delays the acquisition of  
7 needed supplies and equipment. Any delay resulting from a protest may hamper the  
8 government's ability to adequately provide a particular service. This is troubling if a  
9 protest involves the procurement of equipment or services related to the areas of  
10 public safety or health, as evidenced by recent events involving ambulances.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that any protests  
12 to the procurement process involving entities of the government of Guam, and the  
13 subsequent decisions arising from said protests, are disposed of in a prompt manner,  
14 as to not delay or hamper the provision of government services.

15 **Section 2.** § 5425(c), Part A, Article 9, Chapter 5, Title 5 of the Guam Code  
16 Annotated is hereby *amended* to read:

17 **“§ 5425. Authority to Resolve Protested Solicitations and**  
18 **Awards.**

19 (c) Decision. If the protest is not resolved by mutual  
20 agreement, the Chief Procurement Officer, the Director of Public  
21 Works, the head of a purchasing agency, or a designee of one of  
22 these officers shall ~~promptly~~, within fourteen (14) calendar days of  
23 the formal submission of a protest, issue a decision in writing. The  
24 decision shall:

25 (1) state the reasons for the action taken; and

1 (2) inform the protestant of its right to administrative  
2 and judicial review.”

3 **Section 3. Enactment.** The provisions of this Act shall become effective  
4 immediately upon enactment.

5 **Section 4. Severability.** *If* any provision of this Law or its application to any  
6 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
7 *not* affect other provisions or applications of this Law which can be given effect  
8 without the invalid provisions or application, and to this end the provisions of this  
9 Law are severable.