

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 300-30 (COR), "AN ACT TO AMEND §10401 OF ARTICLE 4, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM PUBLIC-PRIVATE PARTNERSHIP AUTHORIZATION THROUGH A PERFORMANCE MANAGEMENT CONTRACT," was on the 22<sup>nd</sup> day of January, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 27 day of Jan., 2010, at  
4:00 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 300-30 (COR)**

As substituted by the Committee on Utilities,  
Transportation, Public Works, and Veterans Affairs,  
and amended.

Introduced by:

T. C. Ada  
Adolpho B. Palacios, Sr.  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §10401 OF ARTICLE 4, CHAPTER  
10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE  
TO THE PORT AUTHORITY OF GUAM PUBLIC-  
PRIVATE PARTNERSHIP AUTHORIZATION  
THROUGH A PERFORMANCE MANAGEMENT  
CONTRACT.**

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

2        **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that at the  
3 time Public Law 29-23 was enacted, which authorized the Board of Directors of  
4 the Jose D. Leon Guerrero Commercial Port to enter into a public-private  
5 partnership through a performance management contract for the management,

1 operation and maintenance of the port cargo handling equipment and/or facilities  
2 associated with such equipment and/or other aspects of the port operations, and  
3 award such contract within one hundred twenty (120) to one hundred fifty (150)  
4 days, the timeline outlined in the legislation did not take into consideration the  
5 requirement of approval by the Public Utilities Commission and the role of the  
6 Attorney General in the procurement oversight and advisement in the award of  
7 such contract. To ensure that an adequate period is provided to the Port in  
8 awarding the performance management contract, and the involvement of the  
9 Attorney General in the procurement oversight and advisement of the award, *I*  
10 *Liheslaturan Guåhan* finds that the timeline should be extended from one hundred  
11 fifty (150) days to two hundred twenty (220) days and provide the Attorney  
12 General with the authority to extend such timelines as it deems necessary.

13 **Section 2.** §10401 of Article 4, Chapter 10, Title 12, Guam Code  
14 Annotated is hereby *amended* to read:

15 **“§10401. Public-Private Partnership Authorization through a**  
16 **Performance Management Contract.**

17 The Board of Directors of the Jose D. Leon Guerrero Commercial  
18 Port (Port) is authorized to issue a Request for Proposal (RFP), Multi-Step  
19 Bid (MSB), Invitation for Bid (IFB), soliciting bids or proposals from  
20 qualified parties for the management, operation and maintenance of its cargo  
21 handling equipment through a performance management contract, subject to  
22 the procurement laws of Guam. The scope of work required through this  
23 RFP, MSB or IFB *shall* include the daily operation and maintenance of its  
24 cargo handling equipment; any repairs required, inclusive of all parts and  
25 labor; performance monitoring requirements; and preventive maintenance of  
26 all equipment and/or facilities directly associated with the equipment,

1 including, but *not limited to*, the acquisition for replacement of such  
2 equipment.

3 The RFP, MSB and/or IFB *shall* include performance standards that  
4 will provide operating criteria, guidelines and requirements to minimize  
5 costly downtime and maximize cargo handling equipment availability and its  
6 life span. Parties interested in submitting proposals *shall* have sixty (60)  
7 days to prepare and submit a response to the Port. The General Services  
8 Agency Chief Procurement Officer *shall* be an observer throughout the RFP,  
9 MSB or IFB process as specified in this Section, *shall* receive copies of all  
10 documents involved and *shall* be invited to any meetings regarding the  
11 public-private partnership process specified in this Section.

12 The Port *may* award a performance management contract subject to  
13 the RFP, MSB or IFB detailed in this Section *no later than* two hundred  
14 twenty (220) days from the established deadline for submission *or* receipt of  
15 the RFP, MSB or IFB; provided, that qualified offerors have submitted  
16 proposals in compliance with the procurement laws of Guam and the  
17 provisions of this Section. The Attorney General *shall* act as legal advisor  
18 during all phases of the solicitation *or* procurement process and *shall* have  
19 the authority to extend the timelines as outlined in this Section as it deems  
20 necessary.”

21 **Section 3. Severability.** *If* any provision of this law or its application to  
22 any person *or* circumstance is found to be invalid *or* contrary to law, such  
23 invalidity *shall not* affect other provisions or applications of this law which can be  
24 given effect without the invalid provisions or applications, and to this end the  
25 provisions of this law are severable.