



JAN 25 2014

The Honorable Judith T. Won Pat  
Speaker  
*I Mina' Trentai Dos Na Liheslaturan Guahan*  
32<sup>nd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio  
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 201-32 (COR), as Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Substitute Bill No. 201-32 (COR) - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel

Committee votes are as follows:

<u>5</u>	TO DO PASS
_____	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairperson

2014 JAN 27 PM 2:50  




## COMMITTEE REPORT

### **Bill No. 201-32 (COR), as Substituted**

**An act to add a new §5141 to Chapter 5 of  
Title 5 of the Guam Code Annotated;  
relative to establishing system of training,  
continuing education, and certification for  
government of Guam procurement  
personnel.**



**JAN 27 2014**

**MEMORANDUM**

**TO: All Members**

**FROM: Vice Speaker Benjamin J.F. Cruz  
Committee on General Government Operations and Cultural Affairs**

**SUBJECT: Committee Report on Bill No. 201-32 (COR), as Substituted**

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 201-32 (COR) - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 201-32 (COR), as Introduced
- Bill No. 201-32 (COR), as Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 201-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

  
BENJAMIN J.F. CRUZ  
Chairperson



**COMMITTEE VOTING SHEET**

Substitute Bill No. 201-32 (COR) - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 1/29/10				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member		✓ 1/29/10				
ADA, THOMAS C. Member		✓				
PANGELINAN, C. VICENTE Member						
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL, F.Q. Member				✓		
AGUON, Jr., FRANK B. Member						
ADA, V. ANTHONY Member						
Morrison, Thomas Member		✓				
McCreadie, Brant Member						
YAMASHITA, ALINE Member						



## COMMITTEE REPORT DIGEST

### **I. OVERVIEW**

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Thursday, November 14, 2013, at 10:00AM in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Bill No. 201-32 (COR) – B.J.F. Cruz – An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.

#### **Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on November 6, 2013, and November 12, 2013, via email. Copies of the hearing notices are appended to the report.

#### **Senators Present**

Vice Speaker Benjamin J.F. Cruz, *Chairman*  
Senator Ben C. Pangelinan, *Member*  
Senator Brant McCreadie, *Member*  
Senator Tina R. Muña Barnes, *Member*  
Senator Thomas C. Ada, *Member*  
Senator Frank B. Aguon, Jr., *Member*  
Senator V. Anthony Ada, *Member*  
Senator Michael T. Lintiaco, *Member*  
Senator Thomas Morrison, *Member*  
Senator Aline A. Yamashita, Ph.D., *Member*

#### **Oral Testimony**

Victor Rodgers, Assistant Director, Continuing Education & Workforce Development,  
Guam Community College  
John Thomas Brown, Attorney

#### **Written Testimony**

Mary A.Y. Okada, Ed.D., President, Guam Community College  
John Thomas Brown, Attorney  
Claudia S. Acfalle, Chief Procurement Officer, General Services Agency

### **II. TESTIMONY & DISCUSSION**

**Chairman Benjamin J.F Cruz** announced Bill No. 201-32 (COR), acknowledged the presence of Mr. Victor Rodgers and Atty. John Thomas Brown, then provided a brief sponsor statement:

"First, I want to thank both Mr. Rodgers and Mr. Brown. This idea started many years ago in one of my discussions with Mr. Brown about the fact that we don't have training for our procurement personnel, that we're getting into so many procurement protests and delays, and that both the business community and the government continue to lose considerable amount of money. The only ones getting rich are the attorneys. So Mr. Brown suggested that we do a certification program and we suggested it to both the University of Guam (UOG) and Guam Community College (GCC). Maybe because [UOG] didn't have a [research corporation], they didn't move quickly enough. GCC, on the other hand, immediately picked up the ball. Mr. Rodgers and GCC President [Mary A.Y. Okada, Ed.D.] came back and said that they have spoken to Mr. Brown and Mr. [Gerry] Perez and that they were willing to do a four-module program to start up almost immediately. I believe the fourth graduating class, with Senator [Thomas C.] Ada, should be graduating next week or so. I missed the first one; I was away for my birthday and since I couldn't be grandfathered into the class after missing the first segment—even though I was writing legislation. So maybe after the next round I'll sign up. We have had discussions with Mr. Brown and GCC and we have substitute legislation but I believe the testimony [Mr. Rodgers and Mr. Brown] will give today will explain why we will be substituting this bill and why I have to amend it. When we initially introduced the legislation we neglected the four modules and hopefully the substitute version will include all four modules and I'm sure [we can] comply with everything in the program."

**Victor Rodgers**, Assistant Director, Continuing Education & Workforce Development, GCC, thanked Chairman Cruz for his confidence in GCC, his leadership, and the opportunity to "solve issues within [the] workforce" by developing the modules for the program. He read Dr. Okada's written testimony for the record (*appended to this report*).

**Chairman Cruz** thanked Mr. Rodgers and Dr. Okada for their testimony.

**John Thomas Brown** thanked Chairman Cruz, notified the Committee that he has submitted written testimony but he does not intend on reading it into the record. He began his testimony with some background information about current procurement law:

"We adopted a model procurement code enacted in 22 states, in one form or another, drafted by the [American Bar Association], the same general body of people who drafted the Federal Acquisition Regulations and have written the major text to teach at George Washington University, which is the nation's only real government contracting program. That model code in 1979, we adopted that version. There is no point in having a procurement system if you don't have procurement training. It was a part of that code that you institute a government-backed procurement training and education program. We didn't adopt it so we floundered for years and years without that [program], trying to make up our own minds about what [procurement law] meant. And I pointed this out several years ago and there was another provision that was also left out that I thought

was pretty fundamental. But this one was always the one that seems to me was the key to it. In some sense it doesn't matter what your procurement system is, so long as everybody knows how to implement the system that you've adopted. And if you don't know how to implement the system you adopted, you don't have a system—you have a conflict. And nothing underscored to me the need for us to bring this program to not just the government employees but also the private sector as well. They need to know how to deal with [procurement law] just as much as the government sector does.

"Then the Procurement Advisory Council held a series of town hall meetings last year, [inviting] the government employees and the private sector people to share their concerns with procurement. Between the two main issues, the top one was, we need training. Government employees said, 'We need training; we're not getting good training.' And I hope this will begin to address that concern. This is only the beginning. The model code has the institution of a procurement institute to give not just basic training, which is what this [bill] offers, but also ongoing training, continuing education, seminars, and specific topics and that this program I think is probably better than [those that] most states have as a basic training program goes. It has 72 hours of classroom education and it covers the full spectrum of procurement law at a very basic level.

"And no amount of training is ever going to eliminate protests. You can't do that. It's like saying we can do without the courts because everyone has read the law. You have to have an enforcement mechanism and it's there for those things that go 'pear shaped'. We're never going to avoid that but if we can get better at doing what the law demands of us, we're going to have fewer protests, which will be resolved quickly and fairly, and the headlines and stuff will be more intelligent about the debates that go on [regarding] protests.

"I really appreciate [that] this [issue of procurement training and education] has been taken seriously by Vice Speaker Cruz. He's been backing us for a long time. I know when we brought the issue up, the idea of forming procurement training went through several iterations and several [items from iteration] showed up in the original version of this bill. We've gone further than that. We've held proof of concept, if you will, classes on these subjects for the last couple of years. Been doing it for free, Gerry Perez has been doing it for free. We want to make sure that this is something that would work. And the GCC people have really undertaken it and made it an education program within the context of the bureaucracy of education, which is essential if this is going to continue. So I'm very happy and proud of this and I hope you will give us the support that it requires."

**Chairman Cruz** thanked Atty. Brown.

**Senator Thomas C. Ada** began his comments:

“Thank you Mr. Chairman. First of all, I want to say thank you to Atty. Brown for volunteering his time for the classes. I would just like to comment that I did take the four modules and I must admit that after walking out of every class, [I thought to myself,] ‘Gosh, I didn’t know that.’ Probably the biggest thing was after having completed the four modules, [I] came to realize that our procurement system is very well structured and its just a matter of knowing where to look in the Guam Code Annotated; everything you wanted to know about procurement is actually in there. I think it was a very good course and regardless of whether you’re a purchasing agent or somebody [who is in some way] associated with purchasing, I think the first level of training is certainly a worthwhile investment of time because what I’ve learned in those four modules I’ve come to actually use on the [Guam Legislature] floor. Some of the language of the structure is actually applicable to other policies that are being made so I certainly highly endorse [Bill No. 201-32 (COR)]. The only concern that I have is that for Level 2 and Level 3, one of the prerequisites for somebody to take that course... I know Level 2 is going to be very important because it basically deals with [...] instruction on formal and informal bidding methods, instruction on negotiation methods, instruction on writing specifications—which seems to be the big downfall for many of the bids that get protested. I’m a little concerned that a prerequisite to take Level 2 and Level 3 is a minimum number of years of purchasing experience. That would automatically rule out somebody like me because I won’t have any purchasing experience. I think this is something we’re going to need to look at closely.”

**Atty. Brown** said that the revisions to the bill address Senator Ada’s concern.

**Senator T.C. Ada** added that he feels confident enough after the initial Level 1 course to be able to discuss and collaborate with Atty. Brown in making “necessary tweaks” to procurement law to make it less cumbersome and more expeditious.

**Mr. Rodgers** thanked Senator Ada for attending the class and reiterated Atty. Brown’s comment regarding GCC’s long-term plans of developing continuing education courses for people who have completed the modules. He added that he hopes in a few years the program will produce a highly knowledgeable core of procurement professionals for the public sector.

**Senator V. Anthony Ada** asked if the course would be taken on a pass/fail basis.

**Atty. Brown** responded that although he personally is not interested in testing as part of his pedagogy and that the program currently does not have standards or testing instruments, GCC’s involvement in the program mandates standard forms of student assessment. He added that the course would be offered as a pass/fail class.

**Senator V.A. Ada** asked about the professional repercussions for procurement personnel who fail to pass the course.



**Chairman Cruz** stated that his intent with this legislation is for government procurement personnel to have completed the program and the continuing education by 2016. Non-completion would result in suspension of procurement responsibilities and transfer to a non-procurement position.

**Atty. Brown** added that the requirement of completing the training program is similar to meeting “any other job requirement.” He compared procurement personnel who have not completed the program, to “accountants without accountant skills.”

**Mr. Rodgers** said that this performance requirement would present a challenge but this would be balanced out by improvements to the procurement workforce. He added that the bill gives procurement personnel time to complete the required courses for their position. He also mentioned that the program instructors, who are currently conducting classes on a voluntary uncompensated basis, are passionate about the program and are amenable to catering to those who need the extra assistance.

**Senator Ben Pangelinan** thanked Atty. Brown and gave his comments:

“[Atty. Brown,] you’re right; just as there are standards and processes for proper procurement, there would need to be the process followed for the proper way of adding this as a job requirement, and that would be of course through the Civil Service Commission, so that when you come to a point where say you can’t be employed as a procurement officer within the government of Guam without a certification, just like you can’t practice law without being a member of the [Guam Bar Association], it’s the same kind of issue in terms of what is this certification required in order to perform that job, and to be hired for that job. [...] One question I guess I have is should we do something with regards to what happens if... We just keep getting these protests... Should we require... We hope that this will resolve those protests, John. What would your suggestion... I have never seen as many protests in my years of government service, both as a member of the administration and as a member of the legislature, what I’ve seen in the last two to three years. It’s just been horrendous in terms of the number of protests filed. Somebody’s getting educated in terms of how to file protest. How do we get educated people, how to avoid... and I think this will go a long ways towards that. Thank you for all your efforts in that and formalizing it will contribute to that effort.”

**Atty. Brown** responded to Senator Pangelinan’s concern regarding the perceived egregious number of protests. He stated that protests, which are essentially contract disputes over government acquisition, are necessary because they are a means of identifying defects in the system. He continues that, granted there are protests that are initiated by businesses who want to game the system and many that stem from a few basic steps done incorrectly, but protests should be heard because they bring issues to light. He mentioned that there are a lot of things that can be done to stop the “easy hits”, like educating the procurement agents in charge of solicitation. As an aside, he mentioned that there are only a handful, about twenty (20), appealed protests, which is

a small number compared to the number of total government contracts awarded a year. He concluded that parties who are interested in fixing the system should not concentrate on completely eliminating protests.

**Senator Brant McCreadie** stated that he supports the intent of the bill but he believes that educating the front end of the procurement process does not address the problem with “serial” protesters. He added that the burden is placed on educating the procurement process but burden should be placed on the actual bidder. He claims that bidders file a protest to try to stay an award, which eventually costs the government more money in the long run. He asked if a protest bond, or something similar, should be attached to eliminate frivolous or “serial” protesters.

**Mr. Rodgers** replied with an anecdotal account of a discussion he had with an expert from a university-affiliated procurement institute in Hawaii, who supports the notion that protests, despite their costs and hassles, are a good thing because they identify areas of weakness that can later be structurally corrected. He added that education will lead to more people doing steps correctly, thereby decreasing the traction frivolous protests would otherwise have. He noted that in many cases small mistakes provided a window of opportunity for easy protests, such as those filed by parties who game the system for profit. He added that the Vice Speaker’s bill can be seen as “closing that window”, but should not be closed completely because protests help identify defects in the system.

**Senator McCreadie** asked the panel if the bill would eliminate protests.

**Mr. Rodgers** reiterated that the intent of the bill is to set a standard for education for people in the procurement realm. He added that certifications indicate to the customer what kind of service is to be expected.

**Atty. Brown** added that the proposed legislation is about education, not protests. He stated that protest issues can be and will be discussed at another time in another forum. He reiterated that protests themselves should not be the issue, but, rather, the time that it takes to resolve the protests. He mentioned that there are ways to expedite that process but protests should not be eliminated because they are the only means of real-time policing of the expenditure of government funds.

**Senator Mike Limtiaco**, referring to page 4 of the revised bill, asked if the job categories, such as Level 1 purchaser, are specific job classifications.

**Atty. Brown** replied that he is only in charge of curriculum development and instruction, and that GCC would be able to answer that.

**Senator Limtiaco** stated that the bill’s intent is for the requirements to apply to everyone in procurement, including those who sign off on the purchase orders, and not just those who bear a specific title. He added that that issue can be fixed on the floor.

**Senator Aline A. Yamashita, Ph.D.**, thanked the Vice Speaker for his efforts, and asked Atty. Brown if he had the notion that there's a consensus among program graduates that this education should be part of their job requirements.

**Atty. Brown** said that of the approximately 180 students who have gone through his classes, they have all said that it was a worthwhile endeavor. He added that while he did not discuss the course as certification requirement, he said that no one objected to it.

**Senator Yamashita** asked about the length of time it would take to complete the four modules.

**Mr. Rodgers** responded that the four modules have a total of 72 classroom hours

**Atty. Brown** added that he was able to run four modules within five months and that there has been discussion that two cycles could be done in a calendar year.

**Senator Yamashita** asked if other instructors have been identified to meet demands.

**Atty. Brown** said that the instruction is primarily based on procurement law, so the instructor would probably need to be a lawyer. Time constraints and less-than-ideal compensation make the position less attractive for lawyers but he said he has spoken to some enthusiastic people who may be interested in teaching. He added that any lawyer with a little bit of assistance can pick up the class and that he is currently working on detailed materials for both instructors and students.

**Mr. Rodgers** noted that one of serious considerations has been program cost, which is why he has been so grateful for curriculum development and instruction hours provided by the volunteer instructors, Atty. Brown and Mr. Perez.

**Senator Yamashita** suggested that promising students could be tapped for training to become instructors.

**Atty. Brown** added that he has spoken to generals and admirals who seemed amenable to loaning out their procurement staff.

**Senator Tommy Morrison** stated that he appreciates the goal of raising procurement standards through this process and asked if the program is equivalent to national standards.

**Atty. Brown** said that one of the problems with procurement administration is the lack of respect accorded to people in these positions of responsibility. He added, "By offering accreditation they will take their jobs and their responsibilities more seriously." He also mentioned that discretion involved in procurement activities requires professional attitude. In response to Senator Morrison's question, he said that while he

did not look at national certification programs, they are very general by necessity. He concluded by stating that procurement laws vary from state to state and the proposed GCC program will be relevant for GovGuam procurement.

**Senator Pangelinan** suggested that the substitute bill should be posted online.

**Chairman Cruz** thanked Mr. Rodgers and Atty. Brown, as well as President Okada, and considered Bill No. 201-32 (COR) heard.

### III. FINDINGS AND RECOMMENDATIONS

The Committee made several minor formatting changes ensuring stylistic consistency with existing legislative practices:

Item (i) has been amended to clarify the experience requirement and has been amended as marked:

(i) **Requirement of Certificate of Enrichment (Advanced).** The College's prerequisites for awarding a Certificate of Enrichment (Advanced) must include the completion of the first and second modules of procurement basic training and passage of a written examination prescribed by the College, ~~and a minimum number of years of purchasing experience as prescribed by the Department of Administration and the Guam Procurement Advisory Council.~~ From October 1, 2016, no person shall serve in the capacity of a level-two purchaser, without a Certificate of Enrichment (Advanced) provided by the College and a minimum number of years of purchasing experience as prescribed by the Department of Administration as an auditor within the Office of Public Accountability, ~~without a Certificate of Enrichment (Advanced) provided by the College.~~ Recognizing that the College has been providing procurement basic training since 2012 that covers the subject matter in the first and second basic training modules required in this Section, the College may allow attendance at any such training given as credit toward any certification required without examination until such time as the College has implemented testing for such training.

Item (j) has been amended as marked to clarify the requirements for the Certificate of Enrichment (Administrative):

(j) **Requirement of Certificate of Enrichment (Administrative).** The College's prerequisites for awarding a Certificate of Enrichment ~~(Advanced)~~Administrative must include the completion of the first, second, third, and fourth modules of procurement basic training and passage of a written examination prescribed by the College, and a minimum number of years of purchasing experience as prescribed by the Department of

Administration and the Guam Procurement Advisory Council. From October 1, 2016, no person shall serve in the capacity of a Chief Procurement Officer or Procurement Administrator or Auditor as a classified employee in position of Supply Management Administrator, Procurement Officer or otherwise as responsible head of procurement, or a level-three purchaser, of any Government of Guam entity, including any governmental body, public corporation, semi-autonomous or autonomous agency, within or under the purview of the Executive Branch, ~~without the level-three purchaser Certificate of Enrichment (Administrative) awarded by the College~~ without a Certificate of Enrichment (Advanced) provided by the College and a minimum number of years of purchasing experience as prescribed by the Department of Administration.

Item (k) has been amended as marked to include permissive instead of prescriptive statutory direction:

**(k) Requirement of Industry Certification.** The College shall ~~shall~~ may provide an Industry Certification which shall ~~shall~~ may require completing the required number of college credit courses to include the four (4) subject matter areas covered under this Section and passage of a written examination as ~~developed and prescribed~~ approved by the Guam Procurement Advisory Council and administered by the College.

Item (l) has been amended as marked to clarify intent of this certificate level:


**(l) Requirement of Certificate of Procurement Management Program.** The College's requisites for providing a GCC Certificate of Procurement Management shall ~~shall~~ may include completing seventeen (17) college credit(s), or more as the College shall ~~shall~~ may determine necessary, to include the four (4) subject matter areas covered under this section and meeting all the general requirements for a certificate program and a Certificate of Completion to be awarded by the College.

The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 201-32 (COR) - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel" hereby submits these findings to *I Mina' Trentai Dos na Liheslaturan Guåhan* and reports out Substitute Bill No. 201-32 (COR) with a recommendation TO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
2013 (First) Regular Session

Bill No. 201-32 (COR)

Introduced by:

B. J.F. Cruz 

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**AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.**

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

**Section 1.** A new section §5141 is hereby *added* to Part E of Chapter 5 of Title 5, Guam Code Annotated to read:

**“§5141. Training and Certification of Purchasing Personnel and Vendors.**

(a) The Guam Community College (“College”) shall establish and administer a system of training, continuing education, and certification for Government of Guam procurement personnel. The College may establish and offer appropriate training to vendors on a cost recovery basis. The College may adopt rules to administer this section, including rules relating to monitoring a certified purchaser's compliance with the continuing education requirements of this section.

(b) Notwithstanding any other provision of law and effective October 1, 2017, all Government of Guam personnel tasked with the responsibility of purchasing or otherwise procuring goods or services, including those employed by agencies exempted from the procurement authority of the General Services

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1 Agency or Department of Public Works, must receive the training and  
2 continuing education to the extent required by rule of the College. A  
3 Government of Guam employee who is required to receive the training may not  
4 participate in purchases by the employing agency unless the employee has  
5 received the required training or received equivalent training from a national  
6 association recognized by the College. The equivalent training may count, as  
7 provided by Subsection (i), toward the continuing education requirements.

8 (c) The College, pursuant to the Administrative Adjudication Law, shall  
9 promulgate a fee schedule for students, department and agencies, and vendors  
10 in order to recover the College's costs under this section. The operation budget  
11 of each Government of Guam department or agency for staff development may  
12 be used to pay for fees provided herein.

13 (d) The College may provide training and continuing education under  
14 this section using its own personnel or through contracts with private entities.  
15 The College may also, by agreement with a public entity, use the services of  
16 persons employed by the public entity to provide training and continuing  
17 education under this section.

18 (e) The College shall provide at least three levels of training under this  
19 section.

20 (f) The basic training level must include an introduction to contract  
21 purchasing methods, ethical issues affecting purchasing decisions, and  
22 instruction in any other processes and issues that the College considers  
23 appropriate for introductory purchasing training.

24 (g) The second training level must include advanced instruction in  
25 formal and informal bidding methods, introduction to negotiation methods,  
26 instruction in writing specifications, and instruction in any other processes and

1 issues that the College considers appropriate for the second level of purchasing  
2 training.

3 (h) The third training level must include an introduction to complex  
4 negotiations, instruction in the criteria for determining which product or service  
5 offers the best value for the contract award, and instruction in any other  
6 processes and issues that the College considers appropriate for advanced  
7 purchasing training.

8 (i) The College shall require a reasonable number of hours of continuing  
9 education to maintain a certification level. The College may allow attendance  
10 at equivalent certification training recognized by the College to count toward  
11 the required number of hours. Maintenance of the certification level may be by  
12 yearly renewal or another reasonable renewal period comparable to nationally  
13 recognized certification requirements.

14 (j) The College's prerequisites for receiving a level-two purchaser  
15 certification must include completion of the basic training level, passage of a  
16 written examination, and a minimum number of years of purchasing experience  
17 prescribed by the College.

18 (k) The College's prerequisites for receiving a level-three purchaser  
19 certification must include completion of the second training level, passage of a  
20 written examination, and a minimum of three (3) years of purchasing  
21 experience.”

22 **Section 2. Effective Date.** This Act shall be effective upon enactment.



*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN*  
2014 (Second) Regular Session

Bill No. 201-32 (COR)

Introduced by: **\*As Substituted**  
**By the Committee on General Government**  
**Operations & Cultural Affairs**

B.J.F. Cruz

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**AN ACT TO *ADD* A NEW §5141 TO CHAPTER 5 OF TITLE 5  
OF THE GUAM CODE ANNOTATED; RELATIVE TO  
ESTABLISHING SYSTEM OF TRAINING, CONTINUING  
EDUCATION, AND CERTIFICATION FOR GOVERNMENT  
OF GUAM PROCUREMENT PERSONNEL.**

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

**Section 1.** A new section §5141 is hereby *added* to Part E of Chapter 5 of Title 5, Guam Code Annotated to read:

**“§5141. Training and Certification of Purchasing Personnel and Vendors.**

**(a) Guam Community College Procurement Program.** The Guam Community College (“GCC”, “College”) shall establish and administer an integrated program of academic, research, practical training, and continuing education, and provide same on a full cost recovery basis, for Government of Guam procurement personnel and other interested private or public participants, to be known as the “GCC Procurement Program”. The College may adopt rules to provide appropriate criteria for the training, continuing education and certification authorized by this section and to administer this section, including rules relating to monitoring a certified purchaser’s compliance with the continuing education requirements of this section. The College may, under the GCC Procurement Program, establish a library, publish papers and journals, hold conferences and seminars and do such other things as it deems reasonable to improve the Government of Guam’s acquisition and asset management strategies, practices and effectiveness. The primary focus of the activities of the GCC Procurement Program shall be on the study and instruction of the procurement laws and regulations of Guam, but

1 may include the examination and comparison of other procurement regimes for the  
2 purpose of better understanding of procurement philosophy and best practices and the  
3 improvement of Guam's procurement regime. The College shall establish such  
4 equivalent training, education, experience and certification, and such prerequisites,  
5 tests, attendance and standards as it determines are necessary to qualify for any  
6 certification required by this section, and is solely responsible for bestowing such  
7 certification in such form as it determines. It is not the intent, however, to require that  
8 tests be standardized or to prevent variation in subject matter tested, method of testing  
9 or the use of other pedagogical techniques. The College in consultation with the Guam  
10 Procurement Advisory Council shall review all qualification criteria annually, and may  
11 revise any of same as it deems appropriate to improve the standards and proficiency of  
12 Government of Guam procurement personnel. The College shall maintain records of  
13 enrollment and of the training, continuing education, and certification in same or  
14 similar manner and subject to the same or similar rules as its regularly enrolled student  
15 records. The College may provide training, assistance and coordination with other states  
16 and nations of Micronesia on a cost recovery basis on the subject matter as covered  
17 under this section.

18 **(b) Mandatory Certification and Continuing Education.** Notwithstanding any  
19 other provision of law or this chapter and effective October 1, 2016, all Government of  
20 Guam personnel tasked with the responsibility of purchasing or otherwise procuring  
21 goods, or services, or construction, including those employed by agencies with authority  
22 to conduct their own procurement, as well as any person within the Office of Public  
23 Accountability responsible for administering procurement appeals or auditing of the  
24 purchasing activities of the Government of Guam, must receive the training and  
25 continuing education to the extent required under this section and offered by the College  
26 in consultation with the Guam Procurement Advisory Council. A Government of Guam  
27 employee who is required to receive the training may not participate in purchases by the  
28 employing agency unless the employee has received the required training or received  
29 equivalent training from a national association recognized by the College and the Guam  
30 Procurement Advisory Council, which shall be the judge of equivalency. The equivalent  
31 training may count toward the continuing education requirements of this section, as

1 determined by the College, in consultation with the Guam Procurement Advisory  
2 Council.

3 **(c) Consultation with the Guam Procurement Advisory Council.** The  
4 Guam Procurement Advisory Council shall, on an annual basis and to the extent of its  
5 resources, advise, and consult with the Guam Community College regarding the  
6 professional education programs contained in this Section as they relate to the  
7 educational needs of Government of Guam employees and vendors, and provide such  
8 other counsel and assistance as the College may request.

9 **(d) Promulgation of Fees and Rules.** The College, pursuant to the  
10 Administrative Adjudication Law, shall promulgate a fee schedule for students,  
11 department and agencies, and vendors in order to recover the College's costs under this  
12 section. The operation budget of each Government of Guam department or agency for  
13 staff development may be used to pay for fees provided herein. The College shall also  
14 promulgate any rules authorized by this Section or which it may deem necessary or  
15 appropriate to give effect to this Section, pursuant to the Administrative Adjudication  
16 Law.

17 **(e) Cooperation with Other Entities.** The College may provide training and  
18 continuing education under this section using its own personnel and facilities or through  
19 contracts with other public or private entities or personnel, including the federal  
20 government Procurement Technical Assistance Program, the Hawaii Procurement  
21 Institute, and other state and international institutions.

22 **(f) Basic Training Requirements.** The College shall provide at least four  
23 modules of procurement basic training, each with at least eighteen (18) hours of study  
24 and instruction, or more as the College may determine as necessary, and shall award a  
25 Certificate of Enrichment of training to those qualifying as required by this Section, for  
26 each module of the following subject matter areas:

27 Module 1. Fundamentals and Principles of Procurement (Basic).

28 Module 2. The Procurement Solicitation Process (Advanced).

29 Module 3. The Procurement Review and Remedies (Administrative).

30 Module 4. The Management and Administration of Procurement (Administrative).

1           **(g) Continuing Education for Procurement Training.** In consultation with  
2 the Guam Procurement Advisory Council, the College shall require a reasonable number  
3 of hours of continuing education to maintain a certification level for each Certificate of  
4 Enrichment required in this Section. The College may allow attendance at equivalent  
5 certification training recognized by the College in consultation with the Guam  
6 Procurement Advisory Council to count toward the required number of hours.  
7 Maintenance of the certification level may be by yearly renewal or another reasonable  
8 renewal period comparable to nationally recognized certification requirements.

9           **(h) Requirement of Certificate of Enrichment (Basic).** The College's  
10 prerequisites for awarding a Certificate of Enrichment (Basic) must include the  
11 completion of the first module of procurement basic training and passage of a written  
12 examination prescribed by the College. From October 1, 2016, no person shall serve in  
13 the capacity of a level-one purchaser, and no person shall sign for any procurement  
14 requisition, without the Certificate of Enrichment (Basic) provided by the College.

15           **(i) Requirement of Certificate of Enrichment (Advanced).** The College's  
16 prerequisites for awarding a Certificate of Enrichment (Advanced) must include the  
17 completion of the first and second modules of procurement basic training and passage of  
18 a written examination prescribed by the College, and a minimum number of years of  
19 purchasing experience as prescribed by the Department of Administration and the Guam  
20 Procurement Advisory Council. From October 1, 2016, no person shall serve in the  
21 capacity of a level-two purchaser, or as an auditor within the Office of Public  
22 Accountability, without a Certificate of Enrichment (Advanced) provided by the  
23 College. Recognizing that the College has been providing procurement basic training  
24 since 2012 that covers the subject matter in the first and second basic training modules  
25 required in this Section, the College may allow attendance at any such training given as  
26 credit toward any certification required without examination until such time as the  
27 College has implemented testing for such training.

28           **(j) Requirement of Certificate of Enrichment (Administrative).** The  
29 College's prerequisites for awarding a Certificate of Enrichment (Advanced) must  
30 include the completion of the first, second, third and fourth modules of procurement basic  
31 training and passage of a written examination prescribed by the College, and a minimum

1 number of years of purchasing experience as prescribed by the Department of  
2 Administration and the Guam Procurement Advisory Council. From October 1, 2016, no  
3 person shall serve in the capacity of a Chief Procurement Officer or Procurement  
4 Administrator within the Office of Public Accountability, or as a classified employee in  
5 position of Supply Management Administrator, Procurement Officer or otherwise as  
6 responsible head of procurement, or a level-three purchaser, of any Government of  
7 Guam entity, including any governmental body, public corporation, semi-autonomous  
8 or autonomous agency, within or under the purview of the Executive Branch, without  
9 the level-three purchaser Certificate of Enrichment (Administrative) awarded by the  
10 College.

11 **(k) Requirement of Industry Certification.** The College shall provide an  
12 Industry Certification which shall require completing the required number of college  
13 credit courses to include the four (4) subject matter areas covered under this Section and  
14 passage of a written examination as developed and prescribed by the Guam Procurement  
15 Advisory Council and administered by the College.

16 **(l) Requirement of Certificate Program.** The College's requisites for  
17 providing a GCC Certificate of Procurement Management shall include completing  
18 seventeen (17) college credit, or more as the College may determine necessary, to include  
19 the four (4) subject matter areas covered under this section and meeting all the general  
20 requirements for a certificate program and a Certificate of Completion to be awarded by  
21 the College.

22 **(m) Requirement of an Associates Degree.** The College's requisites for  
23 providing an Associate Degree in Procurement Administration shall include completing  
24 the required college credits as the College may determine necessary, to include the four  
25 (4) subject matter areas covered under this section and meeting all the general  
26 requirements for an Associates Degree to be awarded by the College."

27 **Section 2. Effective Date.** This Act shall be effective upon enactment.



**PUBLIC HEARING SIGN-IN SHEET**  
 Thursday, November 14, 2013 - 10:00AM  
 I Liheslatura • Public Hearing Room • Hagatna, Guam

Bill No. 201-32 (COR) - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPPOSE	WRITTEN	ORAL		
Victor Rodriguez	CCC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	735-5646	victor.rodriguez@guamcc.edu
JUAN THOS BROWN	SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4777293	juags@comcast.net
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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NOV 14 2013

Vice Speaker Benjamin J.F. Cruz  
Chairman  
Committee on General Government Operations and Cultural Affairs  
32<sup>nd</sup> Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

Re: Testimony regarding Bill No. 201-32

Honorable Senator Cruz and Committee Members,

On behalf of GCC President Dr. Mary Okada, I respectfully submit this testimony in support of Bill No. 201-32 (COR) Procurement Certification, "relative to establishing (a) system of training, continuing education, and certification for government of Guam procurement personnel."

Guam Community College commenced discussion and formulation of procurement training in September 2011 at your request, Mr. Vice Speaker. We drew upon the expertise of attorney John Thomas Brown and businessman Gerry Perez to develop a 4-module procurement training curriculum:

**Module 1:** Fundamentals & Principles, which helps participants to understand the role of government purchasing, the impact that procurement has on fiscal responsibility, and the importance of the adherence to Guam procurement statutes;

**Module 2:** the Solicitation Process, which covers the procurement of legally acquire goods, services and construction under Guam law, the importance of writing legal specifications that stand up to scrutiny, and which identifies a contract form and clauses best suited to meet performance requirements;

**Module 3:** Procurement Review & Remedies, which teaches what to do and when to do it upon receiving a protest of an IFB or RFP as a government employee or when submitting a protest as a potential contractor; how to timely prepare and conduct oneself if an appeal of a protest decision is taken to the Public Auditor; and how to apply a remedy to a wrong created during the procurement process; and

**Module 4:** Management & Administration, which covers how to plan a procurement solicitation from inception of a need to preparation of specifications, how to create an audit trail of documentation and price and cost data to attain an accountability outcome; how to transition from contract solicitation to opening the contract and administering it during the course of performance; to enforcement of performance obligations and final close-out of the contract.

GCC launched the first of these procurement modules in February 2012; the second, in August 2012; the third in September 2013; and the 4<sup>th</sup> module last month, in October 2013. This month, the College is restarting the procurement modules on November 18<sup>th</sup>.

To date, 143 persons from 26 different agencies within the government of Guam and 38 persons from 10 private sector entities have taken GCC procurement courses, for a total of 181 people who are now more knowledgeable about procurement issues. (This total includes registrants for the November 2013 Module 1 Course Offering). The list of government entities and businesses that have sent employees to these courses is attached, and includes your office, Mr. Vice Speaker, and the offices of Speaker Won Pat and Sen. Tom Ada. Sen. Ada himself took the Fundamentals course.

According to Attorney John Thos Brown, these courses have been developed for anyone who deals with procurement or is interested in learning about procurement. Mr. Brown notes that Module 1 teaches the “why” of procurement and is the golden key to unlocking procurement law, and that Modules 2, 3, and 4 teach the “who, what, where, and how “of procurement.


Some of the feedback GCC has received from participants of these procurement courses includes the following statements:

- “This class was perfect for what it was. Looking forward to more detailed classes.”
- “Instructors were informative and well versed on the topics.”
- “Group sessions/projects solidified learning outcomes for this course.”
- “I enjoyed working with groups to brainstorm and complete assignments.”
- “This course was great. The length was perfect.”
- “Overall, a very informative course.”

GCC supports Bill 201-32 (COR), which requires government employees tasked with procurement duties to undergo the above-mentioned training developed by GCC, or a nationally recognized equivalent. GCC’s procurement training modules teach people from both the government and private sectors how to best handle the procurement process to ensure that goods and services are acquired in the most responsible and efficient manner possible. These courses explain to employees handling procurement issues not only *how* the procedures work, but also, the modules explain the reasons behind the procedures – *why* they are performed in a certain way.

The passage of Bill 201-32 (COR) into law will result in a smoother government procurement process. We will experience fewer protests, resulting in fewer project delays, better government services and better use of Guam taxpayer dollars.

Si Yu’os ma’ase for the opportunity to submit this testimony.

  
Mary A. Y. Okada, Ed.D.  
President



**Government of Guam Agencies participating in GCC Procurement Training**

1	Agency for Human Resource Development
2	General Services Agency, Department of Administration
3	Guam Civil Service Commission
4	Guam Community College
5	Guam Council on Arts & Humanities
6	Guam Department of Corrections
7	Guam Department of Education
8	Guam Department of Public Health & Social Services
9	Guam Department of Public Works
10	Guam Election Commission
11	Guam Energy Office
12	Guam Environmental Protection Agency
13	Guam Housing & Urban Renewal Authority
14	Guam Housing Corporation
15	Guam International Airport Authority
16	Guam Legislature: Speaker Won Pat's Office
17	Guam Legislature: Vice Speaker B.J.Cruz's Office
18	Guam Legislature: Senator Tom Ada's Office
19	Guam Police Department
20	Port Authority of Guam
21	Guam Power Authority
22	Guam Public Defender Service Corporation
23	Guam Waterworks Authority
24	Judiciary of Guam
25	Office of Public Accountability
26	University of Guam

**Private Sector/Community entities participating in GCC Procurement Training**

1	Advance Management Systems
2	Galaide Group
3	Guam PTAC
4	Guam Tech (MCS, LLC)
5	IP&E
6	IT&E (Yellow Pages Ink)
7	JMI – Edison
8	MID PAC FAR EAST
9	Parsons

JOHN THOS. BROWN  
ATTORNEY AT LAW \*

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Its divisions, subsidiaries and affiliates<sup>1</sup>  
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12 November, 2013

Hon. Vice Speaker B.F.J. Cruz  
Via eMail

RE: BILL 201-32 relative to GCC mandatory procurement training

Dear Vice Speaker,

I gratefully support the referenced bill as appears in the form provided by GCC to your office on November 8<sup>th</sup> (copy attached). This bill in that form represents at least a year's worth of study, discussion, drafting and redrafting on the part of your office, GCC and myself. President Okada, Victor Rogers and especially Rowena Perez all deserve my gratitude for their embracing the idea of providing procurement training, as you suggested quite some time ago, and giving it credible shape.

Town Hall meetings attended by numerous government employees, conducted by the Guam Procurement Advisory Council last year, revealed an overwhelming desire of GovGuam procurement staff for training and education. Over 150 public and private sector students who have attended some or all of the 4 modules of basic training offered at GCC over the one to two years underscore the need. People looking out from inside procurement recognize more than those looking in from outside that procurement education and training is essential to an effective procurement regime.

Procurement training is not the panacea to solving all procurement ills. Indeed, most of the conflicts arising in procurement are not ills, but the ordinary frictions any acquisition process exhibits. But, proper and continuing education and training will reduce the frictions, increase the efficiency, and improve public confidence in our procurement management.

It gives me great satisfaction to have played a role in the development and execution of this program, and to launch it with this Bill. Thank you for your persistence.

Yours respectfully,

*/s/*

John Thos. Brown

\* Admitted to Practice: California, Guam and Commonwealth of Northern Mariana Islands, USA [Inactive in NSW, Australia]\*

<sup>1</sup> Micronesian Brokers, Inc. (Guam and CNMI)/Town House Department Stores, Inc. (Guam)/J&G Distributors/Aquarius Beach Towers, (Saipan, CNMI)/Livno Holdings PTY LTD (A.C.N. 003 585 331)/Townhouse, Inc. (Saipan, CNMI)/ IBSS (Guam and Saipan)

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio  
Lieutenant Governor

Anthony C. Blaz  
Deputy Director

Benita A. Mangiona  
Director

October 17, 2013

Memorandum

The Honorable Benjamin JF. Cruz  
Vice-Speaker 32nd Guam Legislature  
Chairman of the Committee General Governmental  
Operations, Procurement and Cultural Affairs  
155 Hesler Street  
Hagatna, Guam 96910

*Orieen Villacorta*  
ACKNOWLEDGEMENT COPY  
RECEIVED BY *[Signature]*  
DATE 10/17/2013 @ 3:57 PM  
*Vice Speaker Cruz's Office*

Re: Revised Comments on Bill 201-13

Dear Senator Cruz:

I have revised our previous comments on the proposed bill 201 "An Act to Add a New Section 5141 to Chapter 5 of Title 5 of the Guam Code Annotated, Relative to Establishing System of Training, Continuing Education, and Certification for Government of Guam Procurement Personnel" and now wish to provide the following comments.

In regards to section (b), it provides the Guam Community College with the authority to develop and provide training and continuing education to the extent required by rule of the College. There is nothing stated about the training being developed with the cooperation with all of the government agencies and departments who handle procurement. This section regarding the development of the appropriate training must be made with the input of the government agencies and departments.

In section (c), regarding the fees that must be paid by the government of Guam agencies and department for the training, the Guam Legislature should provide a funding source for the mandatory training that is required. Most agencies and departments budgets do not provide for unanticipated costs.

In Section (d), the private personnel that the College hires should be required to show an expertise in this field of at least three (3) years of actual hands on experience. If the intent is to give those in the procurement field an understanding of what they are required to do, then an academic training alone does not fulfill the intent of this law. Academic

DIRECTOR'S OFFICE  
*[Signature]*

training enhances actual experience in the field. The experience provide the opportunity to apply academics and adjust to existing requirements of an entity.

In sections (f-h), the following items should be included "and any other issues that the government of Guam agencies and departments feel are necessary for training."

In section (g) and (h), the following should be included "Additional or repeated discussion on ethical issues must be taught."

A new section (i) should be added that reads: "Those government employees that have completed any of the levels one or two prior to the passage of this law, shall be considered to have met the requirements of this law."

Another new section should be added that reads: "The Department of Administration shall develop or amend the Government of Guam compensation schedule and job specifications for buyer positions to reflect the new minimum requirements imposed by this Act."

Thank you for the opportunity to comment on this bill.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

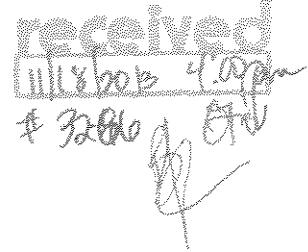
Benita A. Manglona  
Director

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November 13, 2013  
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Anthony C. Blaz  
Deputy Director

Memorandum

The Honorable Benjamin JF. Cruz  
Vice-Speaker 32<sup>nd</sup> Guam Legislature  
Chairman of the Committee General Governmental  
Operations, Procurement and Cultural Affairs  
155 Hesler Street  
Hagatna, Guam 96910



Re: Comments on Bill 201-13(revised)

Dear Seantor Cruz:

Pursuant to a telephone conversation with Mr. Carlo Branch of your office regarding the above entitled bill, please find attached a copy of our comments regarding the original bill that Mr. Branch indicated that your office did not receive. As Mr. Branch indicated that this revised bill was different, the following comments are provided:

Our initial comments in Section (b) are still relevant to section (a) of this revised bill. That is that the development of the course curriculum should be done in conjunction with the government of Guam agencies and departments that do procurement. This will assist in addressing specific issues that may be plaguing the agencies or departments.

Our comments in Section (d) of the original bill remains the same. That the person hired by the college must have at least three (3) years of experience in this field.

Our comments in Sections f-h in the original bill remains the same. That the following items should be included "...and any other issues that the government of Guam agencies and departments feel are necessary for the training: should be included in sections f-h).

On Section J, in which the College shall require a reasonable number of hours of continuing education to maintain a certification level, the level should be determined by the number of hours that the College guarantees to provide during the school year. Stating a minimum number of hours without a guarantee number to be offered, does not make sense.

Again, a new section should be added that reads: "Those government employees that have completed any of the levels prior to the passage of this law, shall be considered to have met the requirements of this law."

Thank you for allowing me to comment on this bill.

*Pat H K 1/8/13*  
CLAUIDA S. ACFALLE  
Chief Procurement Officer

attachment



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

## Certification of

## Waiver of

## Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 201-32 (COR)** – “AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.” – on October 1, 2013. COR hereby certifies that BBMR confirmed receipt of this request on October 1, 2013 at 4:27 PM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 201-32 to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

January 27, 2014

**Date**



## COMMITTEE ON RULES

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Rory J. Respicio  
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Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 1, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes-- Bill Nos. 194-32(COR) through 201-32(COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT - 1 PM 4: 26



Bill Nos.	Sponsor	Title
194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 51305 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

September 30, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 201-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 201-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*

**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
201-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.	9/30/13 2:36 p.m.	9/30/13	Committee on General Governmental Operations and Cultural Affairs			Fiscal Note Request 10/1/13

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**FIRST NOTICE of Public Hearing - November 14, 2013**

---

**Tessa Weidenbacher** <tessa@senatorbjcruz.com>  
To: phnotice@guamlegislature.org  
Cc: cor@guamlegislature.org, mis <mis@guamlegislature.org>  
Bcc: "Judith S. Flores" <judyflores@guam.net>, mibasquiat@hotmail.com

Wed, Nov 6, 2013 at 4:25 PM

November 6, 2013

**MEMORANDUM**

To: All Members / All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairman  
Re: FIRST NOTICE of Public Hearing – November 14, 2013

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing of Bills beginning at 10:00AM and a Confirmation Hearing beginning at 2:00PM on **Thursday, November 14, 2013**, in the *Liheslatura* Public Hearing Room with the following agenda:

**10:00AM - Public Hearing of Bills**

- **Bill No. 190-32 (COR)** – B.J.F. Cruz / J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. – An act to a new Chapter 28 to Division 2 of Title 17 Guam Code Annotated relative to the establishment of the Research Corporation, University of Guam (RCUOG).
- **Bill No. 201-32 (COR)** – B.J.F. Cruz – An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.
- **Bill No. 212-32 (COR)** – T.R. Muña Barnes / J.T. Won Pat, Ed.D. – An act to add a new Chapter 59A to Title 5 of the Guam Code Annotated, relative to the procuring, installing, operating, leasing, maintaining, refurbishing, and replacing of energy-efficient streetlights for the entire island of Guam also known as the "Island-Wide Energy Efficient Street Light Act of 2013".
- **Bill No. 214-32 (COR)** – M.F.Q. San Nicolas – An act to allow employees of government of Guam agencies and instrumentalities to apply payroll deductions to registered non-profits, by amending §20111 of Article 1, Chapter 20, Title 5, Guam Code Annotated.

**2:00PM - Confirmation Hearing**

- The Executive Appointment of **Dr. Judith S. Flores** to **Member** of the **Council on the Arts and Humanities Agency**.
- The Executive Appointment of **Dr. Michael L. Bevacqua** to **Literature Arts Member** of the **Council on the Arts and Humanities Agency**.

Testimonies may be submitted via hand delivery to the Office of the Vice Speaker Benjamin J.F Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via e-mail at [carlo.branch@senatorbjcruz.com](mailto:carlo.branch@senatorbjcruz.com).

We look forward to your attendance and participation.

–  
**Tessa Weidenbacher**  
Senior Research Analyst


Office of the Vice Speaker  
Senator Benjamin J.F. Cruz  
*Chairman, Committee on General Government  
Operations and Cultural Affairs*

155 Hesler Place, Suite 107  
Hagåtña, Guam 96910

Phone: (671) 477-2520/1 | Fax: (671) 477-2522  
<http://www.senatorbjcruz.com>

---

**2 attachments**

 **1st Notice Memo PH 11142013.pdf**  
112K

 **1st Notice PR PH 11142013.pdf**  
110K

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## SECOND NOTICE of Public Hearing – November 14, 2013 (AMENDED)

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Tessa Weidenbacher <tessa@senatorbjcruz.com>  
To: phnotice@guamlegislature.org  
Cc: mis <mis@guamlegislature.org>, cor@guamlegislature.org

Tue, Nov 12, 2013 at 9:30 AM

November 12, 2013

### MEMORANDUM

To: All Members/All Senators  
From: Vice Speaker Benjamin J.F. Cruz, Chairman  
Re: SECOND NOTICE of Public Hearing – November 14, 2013 (AMENDED)

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing of Bills, beginning at **10:00AM** and a Confirmation Hearing beginning at 2:00PM on **Thursday, November 14, 2013**, in the *I Liheslatura Public Hearing Room* with the following agenda:

#### 10:00AM - Public Hearing of Bills

- **Bill No. 190-32 (COR)** – B.J.F. Cruz / J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. – An act to a new Chapter 28 to Division 2 of Title 17 Guam Code Annotated relative to the establishment of the Research Corporation, University of Guam (RCUOG).
- **Bill No. 201-32 (COR)** – B.J.F. Cruz – An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.
- **Bill No. 212-32 (COR)** – T.R. Muña Barnes / J.T. Won Pat, Ed.D. – An act to add a new Chapter 59A to Title 5 of the Guam Code Annotated, relative to the procuring, installing, operating, leasing, maintaining, refurbishing, and replacing of energy-efficient streetlights for the entire island of Guam also known as the "Island-Wide Energy Efficient Street Light Act of 2013".
- At the request of the author, **Bill No. 214-32 (COR)** [M.F.Q. San Nicolas – An act to allow employees of government of Guam agencies and instrumentalities to apply payroll deductions to registered non-profits, by amending §20111 of Article 1, Chapter 20, Title 5, Guam Code Annotated.] has been tabled until further notice.

#### 2:00PM - Confirmation Hearing

- The Executive Appointment of **Dr. Judith S. Flores** as **Member of the Council on the Arts and Humanities Agency**.
- The Executive Appointment of **Dr. Michael L. Bevacqua** as **Literature Arts Member of the Council on the Arts and Humanities Agency**.

Testimonies may be submitted via hand delivery to the Office of the Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com). Please submit testimonies at least one day prior to the date of the hearing.

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We look forward to your attendance and participation.

–  
**Tessa Weidenbacher**  
/senior research analyst/

Vice Speaker Benjamin J.F. Cruz  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
Phone: (671) 477-2520/1 | Fax: (671) 477-2522  
<http://www.senatorbjcruz.com>

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#### 2 attachments

 **2nd Notice Memo PH 11142013.pdf**  
112K

 **2nd Notice PR PH 11142013.pdf**  
111K

**Listserv: phnotice@guamlegislature.org**  
**As of November 25, 2013**

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alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amanda@toduguam.com
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amier@mvguam.com
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aokada@guamlegislature.org
ataligba@gmail.com
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avon.guam@gmail.com
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As of November 25, 2013**

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therese@judiwonpat.com
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tterlaje@guam.net
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zpalomo@guamag.org



## **PUBLIC HEARING AGENDA**

Thursday, November 14, 2013

*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

### **Public Hearing of Bills - 10:00AM**

Bill No. 190-32 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / A.A. Yamashita, Ph.D. - An act to a new Chapter 28 to Division 2 of Title 17 Guam Code Annotated relative to the establishment of the Research Corporation, University of Guam (RCUOG).

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Bill No. 212-32 (COR) - T.R. Muña Barnes / J.T. Won Pat, Ed.D. - An act to add a new Chapter 59A to Title 5 of the Guam Code Annotated, relative to the procuring, installing, operating, leasing, maintaining, refurbishing, and replacing of energy-efficient streetlights for the entire island of Guam also known as the "Island-Wide Energy Efficient Street Light Act of 2013".

### **Confirmation Hearing - 2:00PM**

The Executive Appointment of Dr. Judith S. Flores as Member of the Council on the Arts and Humanities Agency.

The Executive Appointment of Dr. Michael L. Bevacqua as Literature Arts Member of the Council on the Arts and Humanities Agency.





November 4, 2013

**Sent via Electronic Mail**

[claudia.acfalle@gsa.guam.gov](mailto:claudia.acfalle@gsa.guam.gov)

Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
Department of Administration  
148 Route 1 Marine Corps Drive  
Piti, Guam 96915

**Re: Invitation for Testimony on Bill No. 201-32 (COR)**

Dear Ms. Acfalle:

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing of Bills beginning at 10:00AM on **Thursday, November 14, 2013**, in the *I Liheslatura* Public Hearing Room, 155 Hesler St., Hagåtña, Guam.

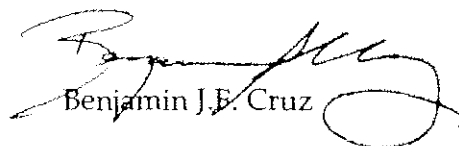
With respect to your experience and perspective, the Committee invites you to provide testimony on the following important matter:

**Bill No. 201-32 (COR)** - B.J.F. Cruz - An act to add a new §5141 to Chapter 5 of Title 5 of the Guam Code Annotated; relative to establishing system of training, continuing education, and certification for government of Guam procurement personnel.

If you wish to provide written testimony, please transmit it at least one day prior to the hearing. Please send testimony to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña, Guam 96910. It may also be sent via facsimile to 477-2522, or via email to [senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mr. Carlo Branch at 477-2521 or via email at [carlo.branch@senatorbjcruz.com](mailto:carlo.branch@senatorbjcruz.com).

Respectfully,

  
Benjamin J.F. Cruz



November 4, 2013

**Sent via Electronic Mail**

[benita.manglona@doa.guam.gov](mailto:benita.manglona@doa.guam.gov)

Benita A. Manglona  
Director  
Department of Administration  
Manuel F.L. Guerrero Building  
212 Aspinall Avenue  
Hagåtña, Guam 96910

**Re: Invitation for Testimony on Bill No. 201-32 (COR)**

Dear Director Manglona :

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing of Bills beginning at 10:00AM on **Thursday, November 14, 2013**, in the *I Liheslatura* Public Hearing Room, 155 Hesler St., Hagåtña, Guam.

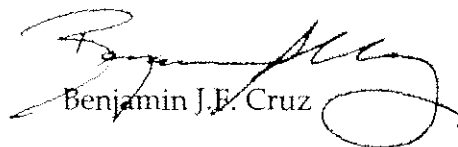
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Respectfully,

  
Benjamin J.F. Cruz



November 4, 2013

**Sent via Electronic Mail**  
[mary.okada@guamcc.edu](mailto:mary.okada@guamcc.edu)

Dr. Mary Okada  
President/CEO  
Guam Community College  
P.O. Box 23069  
GMF Guam 96921

**Re: Invitation for Testimony on Bill No. 201-32 (COR)**

Dear Dr. Okada:

*Håfa Adai!* The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing of Bills beginning at 10:00AM on **Thursday, November 14, 2013**, in the *I Liheslatura* Public Hearing Room, 155 Hesler St., Hagåtña, Guam.

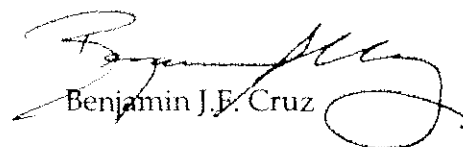
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Respectfully,

  
Benjamin J.F. Cruz

# Cruz bats for procurement training

MONDAY, 08 JUL 2013 03:00AM BY MAR-VIC CAGURANGAN VARIETY NEWS STAFF HITS 502



SHARE

## ***Today is registration deadline***

TODAY is the deadline to sign up for the Guam Community College's Fundamentals in Procurement Training Course, which Vice Speaker Benjamin Cruz said must be required of all government procurement personnel.

"Asking someone to work in government procurement without meaningful and substantive training is like sending a soldier into battle without his rifle," Cruz said, noting "an endless barrage of protest" actions against a number of procurement decisions.

Cruz wrote to Gov. Eddie Calvo and Guam Department of Education Superintendent Jon Fernandez, seeking their support for his efforts to send procurement personnel to the training class.

The Vice Speaker urged Calvo to provide resources to ensure availability of training to employees "who most require it."

Cruz has partnered with GCC and other community stakeholders to develop a program "focused on preventing procurement challenges by increasing core competencies among procurement personnel throughout the government."

"I want to thank (GCC President Mary) Okada for her vision and dedication to this program. She understood from the start just how important this was," Cruz said. "The course's success is directly attributable to her hard work and the continued effort of its instructors."

The program includes four modules: Fundamentals & Principles of Procurement, Solicitation Process, Procurement Review and Remedies, and Management & Administration of Procurement.

Module 1, which starts at 3 p.m. today and runs until July 29, will introduce procurement contracting to public and private sector participants in local government contracting.

## ***Course dates***

Module 1: Fundamentals & Principles of Procurement – July 8 to 29.

Module 2: Solicitation Process – Aug. 12 to 30.

Module 3: Procurement Review and Remedies – Sept. 9 to 27.

Module 4: Management & Administration of Procurement – Oct. 7 to 25.

Written by Jerick Sablan Pacific Daily News  
Oct. 2, 2013 |

guampdn.com

Vice Speaker Benjamin Cruz said he wants to reduce the number of procurement protests by ensuring all government procurement personnel are trained and certified.

A procurement protest for school air conditioners threatened \$7.5 million in federal funding for the project, but the funding was spared yesterday after winning protester JMI Edison and competitor J&B Modern Tech reached an agreement.

The Office of Public Accountability last week ruled JMI, which submitted the lowest bid for air conditioners, was improperly excluded from the selection process.

Cruz, D-Piti, introduced Bill 201, which would mandate course-based comprehensive procurement certification for all government of Guam procurement personnel by 2017.

The bill comes following procurement protests that have stalled critical services and prevented the use of vital equipment throughout the government, according to Cruz.

"I'm sick and tired of a government that stops working in critical areas because our procurement system has us tied up in knots," said Cruz. "Without comprehensive training and continuing education, any procurement solution I propose would be like writing with a broken pencil – pointless."

Cruz said the ongoing problem is a sign that many employees working in procurement aren't doing their jobs correctly.

Under the measure, personnel must complete three levels of training by October 2017 to continue in their capacity as procurement officials.

Failure to obtain certification by the 2017 deadline would result in reassignment, the bill states. Non-certified procurement personnel would receive preferential status when competing for qualified vacant positions elsewhere in government.

Guam Community College would be required to build a comprehensive training and certification program for the bill's implementation.

[Read More](#)

## **Needed: Enact bill that would require procurement training, certification**

Oct. 3, 2013 |

guampdn.com

A measure that would require all government personnel who handle procurement be trained and certified needs to be passed by lawmakers and signed into law by Gov. Eddie Calvo.

A procurement protest for school air conditioners threatened \$7.5 million in federal funding for the project. The Office of Public Accountability last week ruled JMI, which submitted the lowest bid for air conditioners, was improperly excluded from the selection process. The funding was spared earlier this week after winning protester JMI Edison and competitor J&B Modern Tech reached an agreement.

Vice Speaker Benjamin Cruz recently introduced Bill 201, which would mandate course-based, comprehensive procurement certification for all government of Guam procurement personnel by 2017. The bill comes on the heels of procurement protests that have stalled critical services and prevented the use of vital equipment throughout the government, according to Cruz.

"I'm sick and tired of a government that stops working in critical areas because our procurement system has us tied up in knots. Without comprehensive training and continuing education, any procurement solution I propose would be like writing with a broken pencil – pointless," Cruz said.

The government of Guam has a long history of procurement problems – protests, appeals, court battles – that delay contracts and projects. Procurement problems not only cause needed and important projects to be pushed back, but the government has to expend taxpayer money on the protests and appeals.

This has to stop.

Under the measure, personnel must complete three levels of training by October 2017 to continue in their capacity as procurement officials. Guam Community College would be required to build a comprehensive training and certification program for the bill's implementation. This measure is a step in the right direction, though lawmakers might look at an earlier deadline.

In addition, the local government must immediately begin holding employees accountable for failures to follow proper procurement procedures and regulations. Without consequences and accountability, there's no impetus for employees to ensure they do their jobs correctly.

# VIDEO: Vice-Speaker Cruz Introduces Bill to Require Procurement Certification

*Last Updated on Thursday, 03 October 2013 07:24*

*Written by Clynt Ridgell*

*Tuesday, 01 October 2013 16:28*



*Guam News - Guam News*

Guam - Vice-Speaker B.J. Cruz has introduced a bill that would require procurement certification for all GovGuam procurement personnel by 2017.

Bill 201 was introduced after a number of procurement protests stalled critical services and prevented the use of vital equipment throughout the government. The Vice-Speaker says that he's sick and tired of GovGuam getting tied up in critical areas because of the procurement system.

[READ Bill 201 HERE](#)

Dim lights | Embed [Embed this video on your site](#)

Bill 201 would require that GovGuam procurement officials complete three levels of training by October 1st of 2017 in order to continue in their current positions. "Hopefully before 2017 everybody can be certified and will hopefully see a reduction in the number of protests because people involved in procurement will know how to go about sending out these bids and more important planning the procurement of goods and services," said Vice-Speaker Cruz.

If bill 201 is passed and signed into law, Failure to obtain this procurement certification by October 2017 will result in reassignment.

**READ the release from Senator Cruz below:**

*Cruz: All GovGuam Procurement Personnel Trained & Certified by 2017*

*(September 30, 2013 – Hagåtña) Vice Speaker Benjamin J.F. Cruz introduced legislation that would mandate course-based comprehensive procurement certification for all Government of Guam procurement personnel by 2017. Bill 201 comes amid a number of procurement protests that have stalled critical services and prevented the use of vital equipment throughout the Government of Guam, more recently the Department of Education.*

*“I’m sick and tired of a government that stops working in critical areas because our procurement system has us tied up in knots,” said Cruz, who introduced Bill 201-32 (COR) today. “Without comprehensive training and continuing education, any procurement solution I propose would be pointless.”*

*Under the new measure, personnel must complete three levels of training to continue in their capacity as procurement officials by October 1, 2017.*

*The basic training level must include an introduction to contract purchasing methods and ethical issues affecting purchasing decisions. The intermediate training level must include advanced instruction in formal and informal bidding methods, introduction to negotiation methods, and instruction in writing specifications.*

*The advanced training level must include an introduction to complex negotiations, and instruction in the criteria for best-value product or service for the contract award.*

*Failure to obtain certification by the 2017 deadline would result in reassignment. Non-certified procurement personnel may receive preferential status when competing for qualified vacant positions.*

*“Procurement is a profession; not unlike professionals in the practice of law, teaching, or nursing, procurement personnel must meet a lifelong standard,” Cruz said. “If I had it my way, all procurement personnel would be certified by January of next year but I understand that agencies and affected personnel need time to budget for these expenses.”*

*Guam Community College, the administrating authority under this measure, has been training both public and private sector procurement personnel since Vice Speaker Cruz partnered with GCC President Dr. Mary A. Okada and qualified procurement experts within our community nearly two years ago to build a comprehensive training and certification program that will be used to meet the requirements of Cruz’s bill.*

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## Change: Hold accountable, train GovGuam workers who handle procurement

Nov. 3, 2013 |

guampdn.com

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The government of Guam must take steps to address its chronic procurement problems. There are far too many procurement protests and the result has been stalled projects, and costly appeals and court battles.

There are at least five active procurement appeals before the Office of Public Accountability. One of the most recent appeals involve the procurement of 15 dialysis machines at the Guam Memorial Hospital. The machines cost a total of \$380,925 and remain untouched as a result of the procurement protest.

Procurement problems cause needed and important projects to be pushed back, negatively affecting the delivery of services of the community. In addition, the government has to expend taxpayer money on protests and appeals.

There have been other procurement problems this year:

- The Guam Department of Education had to halt the process to select a contractor for the next phase to renovate and build classrooms at Untalan Middle School because of a procurement protest. The appeal was resolved.
- A procurement appeal threatened to pull 10 new school buses off the roads. In the procurement, the General Services Agency allowed for the order of buses that didn't meet specifications listed by the request for bids.
- A host of public school classrooms were without working air conditioners because of procurement problems, forcing schools to shuffle students around to different classrooms or for children to sweat in the heat.
- The Guam Fire Department was at risk of losing federal funding for new fire trucks after a successful appeal filed by a losing bidder. And the additional requirement of legal review by the attorney general's office prolonged the process by several months and, in the end, still resulted in an appeal.

One of the solutions to this chronic problem is proper training for all employees who handle procurement issues. A vast majority of these procurement challenges occur because of a failure to properly follow rules and procedures. All GovGuam employees who handle procurement should attend procurement training classes and be required to pass certification, with regular renewals.

Government officials, boards and elected officials also need to hold agencies and employees who fail in their duties to handle procurement accountable for their performance. They must be disciplined. Continued failures must result in harsher discipline, up to and including termination. If employees aren't held accountable, there's no reason for them to change poor performance.



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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October 1, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 194-32(COR) through 201-32(COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT - 1 PM 4:26

Bill Nos.	Sponsor	Title
✓ 194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
✓ 195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
✓ 196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 53105 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
✓ 197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
✓ 198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
✓ 199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
✓ 200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
✓ 201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.