



# COMMITTEE ON RULES

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

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MAJORITY LEADER

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Thomas C. Ada  
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Aline Yamashita  
Member

December 12, 2014

## MEMORANDUM

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

**From:** **Senator Rory J. Respicio**

**Subject:** **Supplemental Document to Committee Report on  
Bill No. 224-32(COR)**

*Hafa Adai!*

Transmitted herewith is a memo from Vice Speaker Benjamin J.F. Cruz, Chairperson, Committee on General Government Operations and Cultural Affairs, forwarding Attachment for Bill No. 224-32 (COR).

Please include this memo and the attachment as a "Supplemental" to the Committee Report on Bill No. 224-32 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

*Si Yu'os Ma'ase'!*

cc: Legal Counsel  
Clerk of the Legislature  
Sergeant-at-Arms  
MIS

2014 DEC 12 10:00 AM  
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December 12, 2014

*Memorandum*

**To:** Senator Rory Respicio  
Committee on Rules, Federal, Foreign & Micronesian Affairs, Human &  
Natural Resources, and Election Reform

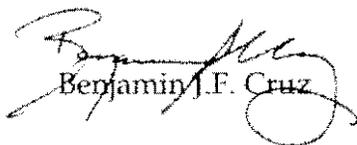
**From:** Vice Speaker Benjamin J.F. Cruz  
Committee on General Government Operations and Cultural Affairs

**Subject:** Supplemental Documents for Bill 224-32 (COR)

Hafa Adai! Please be advised that I have received supplemental documents for Bill 224-32 (COR). I would greatly appreciate if the documents were included as an addendum to the committee report for Bill No. 224-32 (COR).

Thank you for your consideration to this request.

Sincerely,

  
Benjamin J.F. Cruz

LEONARDO M. RAPADAS  
Attorney General



PHILLIP J. TYDINGCO  
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

December 10, 2014

**Vice Speaker Benjamin J.F. Cruz**

The Honorable Benjamin J.F. Cruz  
Vice Speaker, 32nd Guam Legislature  
Chairman, Committee on Procurement, Cultural Affairs,  
Public Broadcasting, Youth and Government Operation  
155 Hesler Place  
Suite 104  
Hagåtña, GU 96932

Date: 12-11-14 Time: 4:20

File No.: 32-913

Received By: [Signature]

**SUBJECT:** Additional Comments on Bill 224-32, As Substituted 12/04/14; An Act To Amend Article 9 and Article 12 of Chapter 5, Title 5, Guam Code Annotated, Relative to Clarifying Legal and Contractual Remedies in Procurement Law.  
Ref: LEG 13-1107

Dear Chairman Cruz,

*Buenas yan Hafa Adai.* On December 5, 2014, this office submitted written commentary recommending significant revision of Bill 224-32 concerning four primary issues presented in the November 14, 2014 draft:

- 1) The legal remedies available to a party who files a protest must be clear and unambiguous, and should be expedited;
- 2) The term "aggrieved protestor" should be clearly defined;
- 3) The Office of the Attorney General of Guam should not be involved in the creation of any portion of the procurement record; and
- 4) The Office of Public Accountability and the Public Auditor should not have jurisdiction over governmental contract disputes which do not involve a protest, particularly those disputes involving money owed.

This office subsequently received the newest draft of Bill 224-32, as substituted on December 4, 2014. It is respectfully submitted that the commentary submitted by this office on December 5, 2014 remains relevant to this draft, as the issues presented above have not been resolved. It is still recommended that Bill 224-32, be revised to address the four primary issues raised in the commentary provided on December 5, 2014.

This matter is brought to your attention for the sole purpose of advocating the implementation of effective revisions to Article 9 and Article 12 of Chapter 5, Title 5, Guam Code Annotated, in order to clarify the legal and contractual remedies available in Guam's procurement laws through Bill 224-32; the intent of which is strongly supported. Please do not hesitate to contact Deputy Attorney General John Weisenberger if we may be of assistance. Mr.

Weisenberger can be reached at 475-3324 x 3115 or care of Marie L. Cruz at [mlcruz@guamag.org](mailto:mlcruz@guamag.org). Thank you for your attention to this matter.

Sinseramente,



**LEONARDO M. RAPADAS**  
Attorney General



**JOHN WEISENBERGER**  
Deputy Attorney General, Civil Division

Cc: Senator Tina Rose Mufia Barnes  
Senator Aline A. Yamashita, Ph.D.  
Senator Brant McCreadie  
Senator Dennis G. Rodriguez, Jr.  
Senator V. Anthony Ada  
Senator Michael F.Q. San Nicolas

Speaker Judith T. Won Pat, Ed.D.  
Senator Thomas Morrison  
Senator Rory J. Respicio  
Senator Thomas C. Ada  
Senator Frank B. Aguon, Jr.