



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

October 19, 2015

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

*I Mina Trentai Tres Na Liheslaturan Guahan*

155 Hesler Place

Hagåtña, Guam 96910

*Rory J. Respicio*

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 145-33 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 145-33 (COR), "An act authorize the Women, Infants, and Children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated", as introduced by the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement."

Committee votes are as follows:

6 TO DO PASS  
\_\_\_\_ TO NOT PASS  
\_\_\_\_ TO REPORT OUT ONLY  
\_\_\_\_ TO ABSTAIN  
\_\_\_\_ TO PLACE IN INACTIVE FILE

*Si Yu'os ma'ase',*

*Thomas C. Ada*

Thomas C. Ada

2015 OCT 19 11:59



**Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

## **COMMITTEE REPORT ON**

**Bill No. 145-33 (COR)**

**An act authorize the Women, Infants, and  
Children's programs and the Bureau of  
Economic Security, Department of Public  
Health and Social Services to utilize  
joinder and mutual use procurements by  
repealing and reenacting § 5126 of  
Chapter 5, Title 5, Guam Code Annotated**



## Sen. Thomas Ada


### Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

October 19, 2015

#### MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 145-33 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 145-33 (COR), "An act authorize the Women, Infants, and Children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 145-33 (COR), As Introduced
- Public Hearing Sign-in Sheet
- Written testimony from:
- COR Referral of Bill No. 145-33 (COR)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- Notices of Public Hearing
- Public Hearing Agenda

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



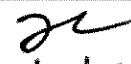


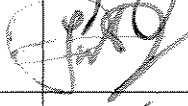


# Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

## COMMITTEE VOTE SHEET

**Bill No. 145-33 (COR), "An act authorize the Women, Infants, and Children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated."**

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson	 10/19/15	✓				
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson	 10-19-15	✓				
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member		✓				
<b>SENATOR FRANK B. AGUON, JR.</b> Member	 10/19/15	✓				
<b>SENATOR DENNIS RODRIQUEZ, JR.</b> Member	 10/19/15	✓				
<b>SENATOR NERISSA UNDERWOOD</b> Member	 10/19/15	✓				
<b>SENATOR FRANK BLAS, JR.</b> Member						
<b>SENATOR MARY TORRES</b> Member						
<b>SENATOR JAMES V. ESPALDON</b> Member						



## Sen. Thomas Ada

### Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Libeslaturan Guahan • 33<sup>rd</sup> Guam Legislature*

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill No. 145-33 (COR) was introduced on July 20, 2015 by Senator D.G. Rodriguez, Jr. and was subsequently referred on July 20, 2015 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on September 18, 2015 at 1:30 pm in *Liheslaturan Guahan's* Public Hearing Room to receive public testimony on Bill No. 145-33 (COR).

### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on September 10, 2015 (5-Day Notice) and again on September 16, 2015 (48-Hour Notice). Notice was also broadcast on the Legislative TV Channel.

### Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Senator Dennis G. Rodriguez, Jr.	<i>Committee Member</i>
Vice Speaker Benjamin J.F. Cruz	<i>Committee Member</i>
Senator James V. Espaldon	<i>Committee Member</i>

The public hearing was Called-Back-to-Order at 1:33pm from this morning's recess.

### II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada turns the floor to the sponsor, Senator Dennis G. Rodriguez, Jr. of Bill No. 145-33 (COR), to give an introduction of the bill.

**Senator Rodriguez:** He starts by saying Bill No. 145-33 (COR) expands the authorization found in Section 5126 of 5 GCA to enter into joinder and mutual use procurement contracts to include the Guam Bureau of Economic Security (EBS) of the Department of Public Health and Social Services. The inclusion of the Bureau would allow for the sharing of procurement with existing contracts of other government agencies to achieve economies of scale and volumes of bulk purchasing transactions for goods and services. He then goes on to say the United States Department of Agriculture Food and Nutrition Services encourages cooperative procurement for purposes of cost containment and the joinder and mutual use contracts of other governments can often accomplish this. However, he says that since the federal government doesn't mandate it in federal fund programs and Guam Law doesn't specifically provide for it, the EBS is precluded from participating. If enacted this would allow EBS to participate in the western states electronic benefits transfer services contract with the western states EBT alliance. Although the EBS program has previously participated in the alliance in

1996, 2002 and 2009, and desires to continue to do so, the Attorney General's information and guidance memorandum of July 14, 2015 has stated there is a need for specific statutory authorization. He continues that the Attorney General's solicitors division provided the draft of this bill for DPHSS, which then provided to his office.

He goes on to say that Subsection 5126 of 5 GCA as established pursuant to P.L. 31-212 in April of 2012 and currently only authorizes the Women, Infants, and Children's Program (WIC) to participate in joinder and mutual use contracts. He then says over the years since 1992, the program has saved millions of dollars in critical WIC funds through infant formula rebates by participating in the western states contracting alliance contract.

Senator Rodriguez then states that Attorney John Thos. Brown was present at the 31<sup>st</sup> Guam Legislature hearing with a bill that had to do with government being able to participate in the joinder and mutual use contracts but the final version of that legislation only authorized the WIC program.

Chairperson Ada then calls up those who have signed up to give testimony.

**Leo G. Casil**, *Deputy Director, Department of Public Health and Social Services*: Mr. Casil reads written testimony from the Director.

**John Thos. Brown**, *Attorney* (written and oral testimony): He makes mention that in order to understand this process, one would have to get into the weeds. The USDA FNS has many programs that fall under its oversight and here again an addition is being made to the FNS. He goes on to say that for 2 reasons the approach he takes are appropriate. The approach he takes is to expand, which includes all the programs in the FNS. He includes all this because FNS preempts local law on this matter, the Guam procurement law is preempted by these programs in the FNS. To try and bring that authority through the procurement law is the wrong approach, the right approach in his opinion would be to change the enactment power, which grants the procurement powers. Attorney Brown proposes that the change in their procurement powers be specific. The department will serve as the state agency for Guam for the purposes of administering any program of the USDA FNS in accordance with the rules and requirements of those programs, including the authority to utilize cooperative or alliance cost containment contract or process authorized by any such program and implement any benefits transfer device, protocol or systems provided by such program all for the purposes of those programs as provided by in the federal regulations. He goes on to say that this doesn't belong in the procurement law and he has presented an opportunity that is more appropriate. He ends by saying he is in opposition but not the intent. All that is being done is service as an agency, there is nothing that is being procured.

Chairperson Ada then opens up to questions from the Senators present.

**Senator Rodriguez**: He starts by thanking Attorney Brown for his testimony and that he will take into consideration his testimony. He states that the reason for moving in that direction is that the July memorandum from the Attorney General's Office and the recommendation to go

this route. However, he states that the points brought out in Attorney Brown's testimony will be looked at because they don't want to come back and add another program.

Chairperson Ada ends the public hearing for Bill No. 145-33 (COR).

**Written Testimonies Received:**

**Claudia S. Acfalle**, *Chief Procurement Officer, General Service Agency*

(written testimony attached)

Ms. Acfalle is not in support of Bill No. 145-33 (COR).

**James W. Gillan**, *Director, Department of Public Health*

(written testimony attached)

Mr. Gillan is in support of the Bill No. 145-33 (COR).

**III. Findings and Recommendations**

The Committee finds that the recommendations put forth by Attorney Brown have merit and should be considered by the sponsor.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 145-33 (COR) as introduced**, with the recommendation TO DO PASS.

**MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN**  
**2015 (FIRST) Regular Session**

Bill No. 145-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT AUTHORIZE THE WOMEN, INFANTS, AND CHILDREN'S PROGRAMS AND THE BUREAU OF ECONOMIC SECURITY, DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO UTILIZE JOINDER AND MUTUAL USE PROCUREMENTS BY REPEALING AND REENACTING § 5126 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.

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

**Section 1. Legislative Finding and Intent.** It is the intent of *I Liheslaturan Guåhan* to expand statutory language to permit the Bureau of Economic Security of the Department of Public Health and Social Services to be able to utilize joinder and mutual use procurements.

**Section 2.** § 5126 of Chapter 5, Title 5, Guam Code Annotated, is repealed and reenacted to read:

**“§ 5126. Joinder or Mutual Use of Contracts by the Women, Infants, and Children Program and the Bureau of Economic Security Program.**

The Women, Infants, and Children Program and the Bureau of Economic Security programs of the Department of Public Health and Social Services is authorized to join or use the contracts of other states or other government units within the United States, with the authorization of the contracting vendor. The other states or other government units are not liable for the obligations of the Guam governmental entity which joins or uses the contract. Before any joinder or mutual use may take place, the contracting officer must determine in writing that



1 the other jurisdiction's contract has gone through a competitive procurement  
2 process. For the purposes of this Section, the Women, Infants, and Children  
3 Program and the Bureau of Economic Security Programs of the Department of  
4 Public Health and Social Services is exempt from § 5004 of this Chapter.”

5       **Section 3. Severability.** If any provision of this Act or its application to  
6 any person or circumstance is found to be invalid or contrary to law, such  
7 invalidity shall not affect other provisions or applications of this Act which can be  
8 given effect without the invalid provisions or application, and to this end the  
9 provisions of this Act are severable.

*I Liheslaturan Guåhan, Hagåtña*

**Bill No. 145-33 (COR) – D.G. Rodriguez, Jr.**

An act authorize the women, infants, and children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated.

[illegible]



**EDDIE BAZA CALVO**  
GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**  
**DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT**



**JAMES W. GILLAN**  
DIRECTOR

**LEO G. CASIL**  
DEPUTY DIRECTOR

August 27, 2015

Honorable Dennis G. Rodriguez  
Senator, 33<sup>rd</sup> Guam Legislature  
Chairman, Committee on Health, Economic Development,  
Homeland Security & Senior Citizens  
176 Serenu Avenue Suite 107  
Tamuning, Guam 96931

Dear Senator Rodriguez:

This letter indicates my strong support for the passage of your Bill No. 145-33 (COR) Authorizing the Bureau of Economic Security, Department of Public Health & Social Services to Utilize Joinder and Mutual Use Procurements by Repealing and Reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated.

This procurement process will allow the Bureau of Economic Security (BES) to join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of services especially in the delivery of benefits for our low income individuals under the Supplemental Nutrition Assistance Programs (SNAP, formerly the Food Stamp Program) and the cash assistance programs, namely: the Temporary Assistance to Needy Families, General Assistance, Aid to the Blind, Old Age Assistance and Aid to the Permanently and Totally Disabled.

Currently, the benefits under the SNAP and the cash assistance programs are delivered to our recipients via the Electronic Benefits Transfer (EBT) cards. J.P. Morgan was the selected Western State EBT Alliance (WSEA) contractor for the distribution of benefits to WSEA's member states since 1996. Through the continued partnership with J. P. Morgan, the WSEA's member states, Guam, Hawaii, Nebraska, Alaska, Washington, Wyoming, Idaho, and Colorado, are able to supply needy families with convenient, safe, easy-to-use EBT cards that allow recipients to access their benefits.

By utilizing joinder and mutual use procurements, the Department of Public Health & Social Services can dispense initiating the Request for Proposal (RFP) securing professional services in the distribution of benefits to low income individuals provided under these programs. Instead, one RFP is prepared and initiated, combining other member states of the Western States EBT Alliance needing all activities associated with the provision of benefits under the SNAP and the TANF programs.

123 CHALAN KARETA, MANGILAO, GUAM 96913-6304  
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OFISINAN TODU GUAM  
Received by the  
Office of Senator  
Dennis G. Rodriguez, Jr.

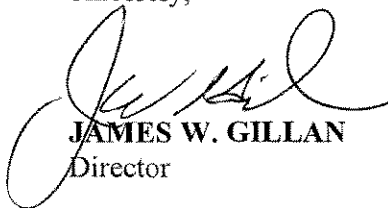
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A recent article published on July 14, 2015 from Health and Human Services by J.B. Wogan entitled "Food Stamps Have a Procurement Problem" states that "...federal officials are worried that a lack of competition between remaining card companies will lead to more expensive contracts. In fact, that may be a best-case scenario: Some smaller states might not even get responses when they ask for bids for prepaid card contracts." In addition to this, Guam does not have the personnel or resources to perform the delivery of the full scope of EBT, direct deposit and commercial branded debit card services. By being a part of WSEA, Guam is sharing the procurement to achieve economies of scale in volumes of transactions thus, having a much better chance in achieving the goal of executing a contract in order to continue to provide the island's eligible families with SNAP and TANF benefits. In addition, the states cooperate in the development and implementation of new federal regulations and technological changes. This WSEA group may result in more favorable pricing.

Though the RFP is combined with other member states, each state enters into a contract separately with the EBT contractor. Another factor to consider in the multi-state procurement approach is the reduction of the burden on the contractors' responding to separate contract solicitation by many states. Thus, this will save us more money and time in procuring a contractor to render professional services for the delivery of benefits to our low income individuals via the EBT.

Should you have any questions, please call Ms. Annie VT. Gozum-Soto, Administrator for the Bureau of Economic Security at 735-7257 or email her at [annie.soto@dphss.guam.gov](mailto:annie.soto@dphss.guam.gov).

Sincerely,



**JAMES W. GILLAN**  
Director



**EDDIE BAZA CALVO**  
GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM  
**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**  
*DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT*



**JAMES W. GILLAN**  
DIRECTOR

**LEO G. CASIL**  
DEPUTY DIRECTOR

Senator Thomas C. Ada  
Chairman, Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement  
33<sup>rd</sup> Guam Legislature  
Ada's Plaza Center  
173 Aspal Avenue  
Hagatna, Guam 96910

SEP 25 2015

REC'D by the  
Office of the  
Senator  
Thomas C. Ada

9/25/15

Re: **Bill No. 145-33**

Dear Senator Ada:

This is an addendum to my initial testimony dated August 27, 2015 addressed to Senator Dennis Rodriguez (copy attached) relative to Bill No. 145-33. The testimony was read by Mr. Leo Casil, the Department of Public Health and Social Services' Deputy Director, during the hearing on September 17, 2015 strongly supporting the passage of the Bill.

The benefits under the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) and the cash assistance for our low income individuals and families are currently delivered through the Electronic Benefit Transfer (EBT) cards. The EBT cards function like the debit or the credit cards. During the Food Stamp coupon days, the benefits were not accessible through these cards but rather through the so-called food stamp coupons (like the paper money).

Additionally, during the food stamp coupon days, Requests for Proposal were prepared inviting "local vendors" to submit proposals to issue and secure the paper food stamp coupons to the low income individuals and families. At that time, the Department of Public Health & Social Services' Bureau of Economic Security did not need the utilization of "joinder and the mutual use procurements" because the services associated in the delivery of food stamp benefits via coupons could be procured locally.

Some years later, the printing and use of food stamp coupons were discontinued by the U.S. Department of Agriculture, Food and Nutrition Services (FNS). As a result, the Department of Public Health and Social Services' Bureau of Economic Security joined the mutual use procurements through the Request for Proposal initiated by the Western States Electronic Benefit Transfer Alliance (WSEA) in order to secure the services relative to the implementation of EBT card services i.e., the administration of EBT, transaction authorization, retailer training and management, etc.

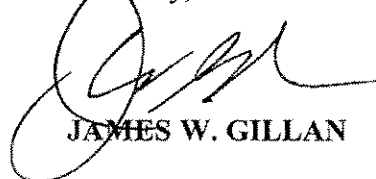
Through this vehicle, the Department of Public Health & Social Services' Bureau of Economic Security was able to enter into a contract with J.P. Morgan Chase for EBT card services which will expire on September 30, 2017. The contract had facilitated the delivery of SNAP and cash benefits to an estimated 50,000 participants through the EBT cards. Through the use of the EBT cards, gone were the days where the clients have to line up for hours and even the whole day, enduring the heat and rain, at distribution centers to redeem their Food Stamp coupons.

We support this Bill for many reasons among which is relief from any liability that may be imposed on Guam's Department of Public Health & Social Services' Bureau of Economic Security as a result of mutual use procurements. Also, it is predicated upon the fact that the contract will expire in 2017 and we have determined that at this time, we cannot address the technical knowledge to write the Request for Proposal because of its high tech computer complexities. There are activities or functions in the administration of EBT such as the transaction authorization, retailer training and management, EBT card distribution, customer service, etc. that make the preparation of the Request for Proposal so complicated. In fact, there are only three (3) vendors in this field that offer these services to all states administering SNAP. J.P. Morgan Chase is currently our vendor and is the vendor for a majority of states. They will be getting out of business in 2017. That will leave the industry with only two (2) vendors that most likely will submit a proposal for EBT card services.

It is worth mentioning that on October 12 - 16, 2015, two (2) staff from the Department of Public Health & Social Services' Bureau of Economic Security will be going to Colorado to evaluate proposals submitted by prospective vendors on the Request for Proposal issued by WSEA to secure EBT card services. The Request for Proposal for EBT card services was issued because the State of Wyoming's EBT card services is about to expire in 2016, thus not only the state of Wyoming will enter into a new contract with a new vendor but all other WSEA member states will have to enter into a new contract with new vendor. Therefore, we need the passage of this Bill so that there will be no interruption of services to our estimated 50,000 participants and to continue fulfill one of our mandates which is to "timely" deliver the benefits to our low income individuals and families.

In light of this addendum and together with my testimony contained in the letter dated August 27, 2015, we hope that your Committee and the 33<sup>rd</sup> Guam Legislature consider the passage of Bill No. 145-33 for the purpose, most importantly, of achieving cost-effective and efficient acquisition of services in the delivery of benefits to our low income individuals and families.

Sincerely,



JAMES W. GILLAN

cc: Senator Dennis G. Rodriguez



**EDDIE BAZA CALVO**  
GOVERNOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM  
**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**  
**DIPATTAMENTON SALUT PUBBLEKO YAN SETBISION SUSIAT**



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August 27, 2015

Honorable Dennis G. Rodriguez  
Senator, 33<sup>rd</sup> Guam Legislature  
Chairman, Committee on Health, Economic Development,  
Homeland Security & Senior Citizens  
176 Serenu Avenue Suite 107  
Tamuning, Guam 96931

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A recent article published on July 14, 2015 from Health and Human Services by J.B. Wogan entitled "Food Stamps Have a Procurement Problem" states that "...federal officials are worried that a lack of competition between remaining card companies will lead to more expensive contracts. In fact, that may be a best-case scenario: Some smaller states might not even get responses when they ask for bids for prepaid card contracts." In addition to this, Guam does not have the personnel or resources to perform the delivery of the full scope of EBT, direct deposit and commercial branded debit card services. By being a part of WSEA, Guam is sharing the procurement to achieve economies of scale in volumes of transactions thus, having a much better chance in achieving the goal of executing a contract in order to continue to provide the island's eligible families with SNAP and TANF benefits. In addition, the states cooperate in the development and implementation of new federal regulations and technological changes. This WSEA group may result in more favorable pricing.

Though the RFP is combined with other member states, each state enters into a contract separately with the EBT contractor. Another factor to consider in the multi-state procurement approach is the reduction of the burden on the contractors' responding to separate contract solicitation by many states. Thus, this will save us more money and time in procuring a contractor to render professional services for the delivery of benefits to our low income individuals via the EBT.

Should you have any questions, please call Ms. Annie VT. Gozum-Soto, Administrator for the Bureau of Economic Security at 735-7257 or email her at [annie.soto@dphss.guam.gov](mailto:annie.soto@dphss.guam.gov).

Sincerely,

  
**JAMES W. GILLAN**  
Director

Cc: ☐ BES File  
☒ PMS File  
State Office



Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Anthony C. Blaz  
Director

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August 19, 2015

Memorandum

Honorable Thomas Ada  
Senator, 33<sup>rd</sup> Guam Legislature  
Chairperson on Committee on  
Transportation, Infrastructure, Lands,  
Boarder Protection, Veterans Affairs and  
Procurement  
Ada's Plaza Center, Suite 207  
173 Aspinall Avenue  
Hagatna, Guam 96910

RECEIVED by the  
Office of Senator  
Thomas C. Ada  
P.T.  
8/19

Re: Comments on Bill 145-33

We are in receipt of the proposed bill "An Act Authorize the Women, Infants and Children's Programs and the Bureau of Economic Security, Department of Public Health and Social Services to Utilize Joinder and Mutual Use Procurements by Repealing and Reenacting Section 5126 of Chapter 5, Title 5 Guam Code Annotated" and have the following comments:

Why is the Bureau of Economic Security given this opportunity to be exempted from the government procurement laws? No justification has been provided other than a wish to be excluded. What benefit is there for the government?

Who is the contracting office that would make the determination that the state agency has gone through a competitive procurement process?

Should there be a cost savings indicated at a minimum prior to entering into this agreement?

Without these points being addressed, we disagree with this bill.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

COMMITTED TO EXCELLENCE

**JOHN THOS. BROWN**  
**ATTORNEY AT LAW \***

GENERAL COUNSEL  
JONES & GUERRERO CO. INC. (GUAM, USA)  
ITS DIVISIONS, SUBSIDIARIES AND AFFILIATES\*

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8 September, 2015

Senator Thomas C. Ada, Chair  
Committee on Transportation, Infrastructure, Lands, Border Protection,  
Veterans' Affair, and Procurement  
33rd Guam Legislature  
By Email

RE: Bill No. 145-33 (COR) – D.G. Rodriguez, Jr.  
ERRATA and Supplementary comment re Testimony previously sent

Dear Mr. Chairperson,

In light of the postpone of the hearing of this bill, please allow me the opportunity to qualify and supplement my prior submitted testimony. I stated my opinion that DPHSS' administration of USDA FSN programs does not fall subject to the procurement law because,

“The Guam procurement law is only applicable when a Guam governmental body enters into a contract to acquire supplies, services or construction involving the expenditure of Guam's public funds (see, 5 GCA § 5004). Under the USDA FNS programs, GovGuam does not *acquire* anything, nor does it pay for the benefits delivered to the recipients.”

Moreover, federal regulations establish a general policy (7 CFR Part 3016; § 3016(a)) of applying state procurement laws to most federal grants and subgrants. (See, 7 CFR §§ 3016.36 and 3016.37) Then, there is a somewhat broad exception to that rule whereby states conducting procurements through grants or subgrants under *certain particular* USDA entitlement programs *specified in § 3016.4(b)* may elect to follow *either state procurement law or the general federal law requirement*. Finally, there is an exception for all other USDA entitlement programs, not specified in § 3016.4(b); these are to follow the *federal* requirements described by those programs. The USDA FNS entitlement programs are not specified in § 3016.4(b), thus are intended to follow that exception.

\* ADMITTED TO PRACTICE: CALIFORNIA, GUAM AND COMMONWEALTH OF NORTHERN MARIANA ISLANDS, USA [INACTIVE IN NSW, AUSTRALIA]\*

\* 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)

Title 7 CFR Subtitle B, Chapter II details the programs of the USDS FNS. These are basically the Child Nutrition program of Subchapter A and the Food Stamp program of Subchapter C in Chapter II, Subtitle B (see <https://www.law.cornell.edu/cfr/text/7/chapter-II>).

The subject matter of this Bill falls within those parameters, and they are outside the scope of the Guam procurement law. For instance, 7 CFR § 246.3(b) states, "The State agency is responsible for the effective and efficient administration of the Program in accordance with the requirements of this part."

7 CFR § 271(b) describes the scope of the SNAP program and the duties of the state agency under that program. "Part 271 contains general information, definitions, and other material applicable to all parts of this subchapter. Part 272 sets forth policies and procedures governing State agencies which participate in the program. Part 273 describes the eligibility criteria to be applied by State agencies and related processing requirements and standards. Part 274 provides requirements for the issuance of coupons to eligible households and establishes related issuance responsibilities. Part 275 sets forth guidelines for monitoring SNAP, analyzing the results and formulating corrective action. Part 276 establishes State agency liability and certain Federal sanctions. Part 277 outlines procedures for payment of administrative costs of State agencies." And so on. "State Agency" is defined to mean "the agency of State government, including the local offices thereof, which is *responsible for the administration* of the federally aided public assistance programs within the State". (7 CFR § 271.2)

I have also, since the prior testimony, been advised that DPHSS is reimbursed by USDA FNS for administrative costs of administering FNS programs, including the EBT facility, but only to the amount of 50% of DPHSS' expenses. This does not change my analysis or conclusion.

The USDA FNS' report, "Supplemental Nutrition Assistance Program, Program Accountability and Administration Division FY 2014", June 2015 (<http://www.fns.usda.gov/sites/default/files/FY14%20State%20Activity%20Report.pdf>), sums up this program:

The Federal Government pays 100 percent of the benefits issued. (Pg 14) The Food and Nutrition Service (FNS) pays approximately 50 percent of *State agency administrative costs* to operate the program. (Pg 11)

The cost borne by Guam is a “program cost”, in other words an operating expense; it is not applied to acquire any of the benefits to be provided to the recipients. See 7 CFR 246.14 (<https://www.law.cornell.edu/cfr/text/7/246.14>).

Although DPHSS may incur some expense in operating the programs, it does not *acquire* anything. It simply assists the federal government in making direct payments to recipients of benefits under FNS programs. This obviously does indirectly benefit Guam’s population and businesses, and subsidize additional government employment of personnel needed to provide the administrative services<sup>1</sup>, but it provides no direct benefit to the government nor does the government acquire any service, supply or construction.

I confirm my opinion that DPHSS may administer the FNS programs identified above under applicable federal regulations and guidance without regard to contrary provisions of the Guam procurement law.

Finally, I wrote,

“I also note the testimony of DPHSS reporting it has determined it wants to deal with JP Morgan through the Western State EBT Alliance to tap into a particular EBT contract, whereby it can “dispense initiating the Request for Proposal (RFP) securing professional services”. While I do not comment on that sole source desire, I do note that the USDA FNS does provide a current list of many apparently prospective EBT providers who could compete for the EBT service if invited to do so.”

I have been advised that DPHSS did not sole source the JP Morgan program; rather it was selected by Western State Alliance by means of a competitive process. My remark was obviously gratuitous, since, as I had noted, the procurement law sole source restrictions in Guam law are inapplicable to administration of the USDA FNS programs.

Further, I did not mean to comment on the selection of JP Morgan by the WSEA. My remark was intended to be directed, again gratuitously, to the

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The report also revealed these statistics for FY 2014: number of individual Guam recipients: 47,289 (Table 1); total dollar amount of benefits issued to Guam recipients: \$108,433,869 (id.); Guam's share of Administrative cost was \$1,303,578 [1.2% of benefits received] (Table 10); the Federal share of Administrative cost was \$1,791,421 (id.); None of the recipients received cash benefits: all received via EBT (Table 3).

means of selection of the Western State Alliance from among other alliances. Not that it may matter, particularly, other than to point out that it should behove government agencies to obtain services of others with due regard to the savings available through competitive procedures regardless whether that is mandatory.

For instance, under the infant milk program within the WIC program, all State agencies, unless granted a waiver, must continuously operate a cost containment system for infant formula that is implemented in accordance with the regulations. (7 CFR § 246.16a(a)) Under the regulations, state agencies must use either a single-supplier *competitive* system or an alternative cost containment system, as prescribed. (§ 246.16a(b))

Under the single-supplier competitive system, a State agency solicits sealed bids from infant formula manufacturers to supply and provide a rebate for infant formulas. The State agency must conduct the procurement in a manner that maximizes full and open competition consistent with the requirements of the section. (§ 246.16a(c)(1))

*This required competitive system may be conducted through a state alliance* under specified limitations requiring, among other things, a two-bid process. (7 CFR § 246a(c)(ii)) A State alliance may exist among State agencies if the total number of infants served by States participating in the alliance falls under a threshold established by regulation or waiver. (§ 246a(c)(3))

A State agency *may* use an *alternative cost containment system*, to implement an infant formula cost containment system of its choice, subject to regulations. The State agency may only implement an alternative system if the system provides a savings equal to or greater than a single-supplier competitive system. A State agency must conduct a cost comparison demonstrating such savings. (7 CFR § 246a(d))

Obviously, the devil is in the regulations of the competitive system and the alternative cost containment system, but they express a strong compunction for competition or equivalent cost containment procedures. They also very clearly illustrate, by their complexity, that convenience is a matter of second order to competition.

But these comments to the side were intended as a reminder, not meant to preempt or distract from my simple prior statement, expressed in my testimony, that there is substantial utility and compelling benefit to repealing 5 GCA § 5126 and replacing it with a broader and more flexible authority

within the context of the DPHSS enabling act, where other such programs and powers are authorized. It is important to maintain the integrity of the procurement law, which means being aware, also, of its internal architecture (see, 5 GCA § 5125).

The primary thrust of my testimony remains, to suggest a means, compatible with the structure of the Guam procurement law, to allow DPHSS to operate USDA FNS programs, under the regulations and guidance of the federal government, for the purposes of those specific programs. I oppose the means; not the intended ends.

Respectfully,

/s/

John Thos. Brown

cc: Senator Dennis G. Rodriguez, Jr., Author Bill 145-33



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd 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

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Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

July 29, 2015

### Memorandum

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

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

**Subject:** Fiscal Note Waivers

*Hafa Adai!*

Attached please find the fiscal note waivers for the bill numbers listed below. Please note that the fiscal note waivers are issued on the bills as introduced.

### FISCAL NOTE WAIVERS:

Bill No. 144-33(COR)

Bill No. 145-33(COR)

Bill No. 146-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2015 JUL 29 AM 10:39



## **BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**RAY S. TENORIO**  
LIEUTENANT GOVERNOR

JUL 28 2015

**JOSE S. CALVO**  
DIRECTOR

**LESTER L. CARLSON, JR.**  
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 145-33 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed measure seeks to repeal and reenact §5126 of Chapter 5, Title 5, Guam Code Annotated, relative to expanding the statutory language in order to permit the Bureau of Economic Security under the Department of Public Health and Social Services to be able to utilize joinder and mutual use procurements.

The intent of the proposed measure is administrative in nature and, as such, poses no fiscal impact to any funds of the government of Guam.

  
JOSE S. CALVO





## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd 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

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Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

July 22, 2015

### VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

### RE: Request for Fiscal Notes – Bill Nos. 145-33(COR) and 146-33(COR)

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres 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 of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
145-33 (COR)	Dennis G. Rodriguez, Jr.	AN ACT AUTHORIZE THE WOMEN, INFANTS, AND CHILDREN'S PROGRAMS AND THE BUREAU OF ECONOMIC SECURITY, DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO UTILIZE JOINDER AND MUTUAL USE PROCUREMENTS BY REPEALING AND REENACTING § 5126 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.
146-33 (COR)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW § 832.1 TO ARTICLE 1, CHAPTER 8, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A WAR ON TERROR FALLEN HEROES MONUMENT ON THE ADELUP PARADE FIELD IN THE RICARDO J. BORDALLO GOVERNOR'S COMPLEX AT ADELUP; AND TO REPEAL PUBLIC LAW 32-046.



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

July 20, 2015

### MEMORANDUM

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

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

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

**Subject: Referral of Bill No. 145-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 145-33(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 Tres Na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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

Vice-Speaker  
Benjamin J.F. Cruz  
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Legislative Secretary  
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Senator  
Dennis G. Rodriguez, Jr.  
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Michael F.Q. San Nicolas  
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Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

*I Mina'Trentai Tres Na Liheslaturan Received*

**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
145-33 (COR)	Dennis G. Rodriguez, Jr.	AN ACT AUTHORIZE THE WOMEN, INFANTS, AND CHILDREN'S PROGRAMS AND THE BUREAU OF ECONOMIC SECURITY, DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO UTILIZE JOINDER AND MUTUAL USE PROCUREMENTS BY REPEALING AND REENACTING § 5126 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.	07/20/15 2:31 p.m.	07/20/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



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## 1st Notice of Public Hearing: Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.

---

Charlene Flores <flores@senatorada.org>

Thu, Sep 10, 2015 at 1:44 PM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Jennifer Crisostomo <jenniferc@carsplusguam.com>, vshelly@nissanguam.com, joeyc@carsplusguam.com, David Leddy <dleddy@guamchamber.com.gu>, alfred.leonguerrero@gmail.com, john.camacho@revtax.guam.gov, Maria Flores <maria.flores@revtax.guam.gov>, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, chief@gpd.guam.gov, jbrown@portguam.com, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, felix.benavente@dpw.guam.gov, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Jessie Gogue <ocp.mayor@gmail.com>, adasmortuary@gmail.com, michael.borja@land.guam.gov, joey.calvo@bbmr.guam.gov, anthony.blaz@doa.guam.gov, "Ray C. Borja" <ray@guam-peals.org>, "John Thos. Brown" <jngo@ozemail.com.au>, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, law@guamag.org, Mark Miller <miller@guamwaterworks.org>, staylor@guamwaterworks.net, jbenavente@gpagwa.com, chuck.ada@guamairport.net, larry.lizama@gmha.org, jonfernandez@gdoe.net, Michael Duenas <mjduenas@ghura.org>, ndenight@visitguam.org, john.rios@investguam.com, Mary Okada <mary.okada@guamcc.edu>, raunderwood@uguam.uog.edu, dfbrooks@guamopa.org, admin@guamopa.org, james.gillan@dphss.guam.gov, danilo.barrido@dphss.guam.gov

September 10, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1<sup>st</sup> Notice of Public Hearing: Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guåhan*. The agenda is as follows:

#### 9:00 am

#### Bill No. 132-33 (COR) – V. Anthony Ada

An act to amend §7134 of chapter 7 of 16 GCA relative to transporting new vehicles from a port entry to dealers' lots.

**Bill No. 134-33 (COR) – V. Anthony Ada / T.R. Muña Barnes**

An act to rezone lot no. 3257-4-2, in the municipality of *Sinajana*, from Agricultural zone (A) to Commercial zone (C).

**Bill No. 164-33 (LS) – T.C. Ada**

An act to create a Chamorro Land Trust survey fund from the sales of Government of Guam lands such as bull cart trails and land remnants and to add a new subsection (k) to §75112 of chapter 75, title 21, Guam Code Annotated.

**Bill No. 163-33 (LS) – M.F.Q. San Nicolas**

An act to amend §§ 75108 (b) and (g) both of chapter 75, title 21 of the Guam code annotated, relative to the establishment of a time frame for payment of the Chamorro Land Trust Commission lease terms and the permanent waiving of property tax exemptions for surveyed land tracts for applicants.

**1:30 pm**

**Bill No. 162-33 (COR) – T.C. Ada**

An act to *amend* articles 3, 9, and 12 of Chapter 5, Title 5 Guam Code Annotated by amending § 5201, 5210, 5211, 5214, 5215, 5216, 5217, 5219, 5220, 5230, 5231, 5232, 5233, 5235, 5237, 5240, 5245, 5248, 5249, 5251, 5252, and to add a new § 5212, § 5221, and 5254 relative to source selection and contract formation and to amend §§ 5425, 5426, 5427, 5450, 5452, 5480, 5481 and 5485(a) and (b) of article 9; and *amend* §§ 5703, 5705, 5706(b), 5707(a) and 5708, and *add* a new § 5710 relative to legal and contractual remedies in Guam Procurement Law.

**Bill No. 145-33 (COR) – D.G. Rodriguez, Jr.**

An act authorize the women, infants, and children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated.

**NOTE: The Public Hearing for Bill No. 147-33 (COR) has been rescheduled to Thursday, September 24, 2015 at 9:00 a.m.**

Testimony on **Bill No. 132-33 (COR), Bill No. 134-33 (COR), Bill No. 164-33 (LS), Bill No. 163-33 (LS), Bill No. 162-33 (COR) and Bill No. 145-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, September 25, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--  
Charlene Flores

Policy Analyst

Office of Senator Thomas C. Ada

*I Mina'trentai Tres na Libeslaturan Guåhan* - 33rd Guam Legislature

671-473-3301



**1st PH Notice.pdf**

642K



## 2nd Notice of Public Hearing: Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.

Charlene Flores <flores@senatorada.org>

Wed, Sep 16, 2015 at 8:02 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Jennifer Crisostomo <jenniferc@carsplusguam.com>, vshelly@nissanguam.com, joeyc@carsplusguam.com, David Leddy <dleddy@guamchamber.com.gu>, alfred.leonguerrero@gmail.com, john.camacho@revtax.guam.gov, Maria Flores <maria.flores@revtax.guam.gov>, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, chief@gpd.guam.gov, jbrown@portguam.com, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, felix.benavente@dpw.guam.gov, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, adasmortuary@gmail.com, michael.borja@land.guam.gov, joey.calvo@bbmr.guam.gov, anthony.blaz@doa.guam.gov, "Ray C. Borja" <ray@guam-peals.org>, "John Thos. Brown" <jngo@ozemail.com.au>, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, law@guamag.org, Mark Miller <miller@guamwaterworks.org>, staylor@guamwaterworks.net, jbenavente@gpagwa.com, chuck.ada@guamairport.net, larry.lizama@gmha.org, jonfernandez@gdoe.net, Michael Duenas <mjduenas@ghura.org>, ndenight@visitguam.org, john.rios@investguam.com, Mary Okada <mary.okada@guamcc.edu>, raunderwood@uguam.uog.edu, dfbrooks@guamopa.org, admin@guamopa.org, james.gillan@dphss.guam.gov, danilo.barrido@dphss.guam.gov

September 16, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2<sup>nd</sup> Notice of Public Hearing: Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, September 18, 2015 at 9:00 a.m. and 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guåhan*. The agenda is as follows:

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**Bill No. 145-33 (COR) – D.G. Rodriguez, Jr.**

An act authorize the women, infants, and children's programs and the Bureau of Economic Security, Department of Public Health and Social Services to utilize joinder and mutual use procurements by repealing and reenacting § 5126 of Chapter 5, Title 5, Guam Code Annotated.

Testimony on **Bill No. 132-33 (COR)**, **Bill No. 134-33 (COR)**, **Bill No. 164-33 (LS)**, **Bill No. 163-33 (LS)**, **Bill No. 162-33 (COR)** and **Bill No. 145-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, September 25, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--  
Charlene Flores

Policy Analyst

Office of Senator Thomas C. Ada

*I Mina'trentai Tres na Libeslaturan Guåhan* - 33rd Guam Legislature

671-473-3301



**2nd PH Notice.pdf**

627K

Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: August 31, 2015

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Updated: August 31, 2015

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## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan • 33<sup>rd</sup> Guam Legislature*

### AGENDA

#### **PUBLIC HEARING**

**Friday, September 18, 2015**

**Public Hearing Room, *I Liheslaturan Guåhan***

The agenda is as follows:

**1:30 pm**

**Bill No. 162-33 (COR) – T.C. Ada**

AN ACT TO *AMEND* ARTICLES 3, 9, AND 12 of CHAPTER 5, TITLE 5 GUAM CODE ANNOTATED BY AMENDING § 5201, 5210, 5211, 5214, 5215, 5216, 5217, 5219, 5220, 5230, 5231, 5232, 5233, 5235, 5237, 5240, 5245, 5248, 5249, 5251, 5252, AND TO ADD A NEW § 5212, § 5221, AND 5254 RELATIVE TO SOURCE SELECTION AND CONTRACT FORMATION AND TO AMEND §§ 5425, 5426, 5427, 5450, 5452, 5480, 5481 AND 5485(a) AND (b) OF ARTICLE 9; AND *AMEND* §§ 5703, 5705, 5706(b), 5707(a) AND 5708, AND *ADD* A NEW § 5710 RELATIVE TO LEGAL AND CONTRACTUAL REMEDIES IN GUAM PROCUREMENT LAW.

**Bill No. 145-33 COR) – D.G. Rodriguez Jr.**

AN ACT TO AUTHORIZE THE WOMEN, INFANTS, AND CHILDREN'S PROGRAMS AND THE BUREAU OF ECONOMIC SECURITY, DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO UTILIZE JOINDER AND MUTUAL USE PROCUREMENTS BY REPEALING AND REENACTING §5126 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.

Testimony on the **Bill No. 162-33 (COR) and Bill No. 145-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Friday, September 25, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

# September 3, 2015 - Pacific Daily News



## Sen. Thomas Ada Public Hearing Notice

Thursday, September 10, 2015

*I Liheslaturan Guahan*, Public Hearing Room

### AGENDA

9:00 AM

**Bill No. 147-33 (COR) - T.C. Ada**

RELATIVE TO THE AUTHORITIES AND RESPONSIBILITIES OF THE DEPARTMENT OF REVENUE AND TAXATION AND THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE WEIGHT LIMITS AND SAFE OPERATIONS OF COMMERCIAL VEHICLES ON GUAM'S HIGHWAYS.

**Bill No. 132-33(COR) - V. Anthony Ada**

AN ACT TO AMEND §7134 OF CHAPTER 7 OF 16 GCA RELATIVE TO TRANSPORTING NEW VEHICLES FROM A PORT ENTRY TO DEALERS' LOTS.

**Bill No. 134-33(COR) - V. Anthony Ada /T.R. Muña Barnes**

AN ACT TO REZONE LOT NO. 3257-4-2, IN THE MUNICIPALITY OF SINAJANA, FROM AGRICULTURAL ZONE (A) TO COMMERCIAL ZONE (C).

**Bill No. 164-33(LS) - T.C. Ada**

AN ACT TO CREATE A CHAMORRO LAND TRUST SURVEY FUND FROM THE SALES OF GOVERNMENT OF GUAM LANDS SUCH AS BULL CART TRAILS AND LAND REMNANTS.

**Bill No. 163-33(LS) - M.F. O. San Nicolas**

RELATIVE TO THE ESTABLISHMENT OF A TIME FRAME FOR PAYMENT OF THE CHAMORRO LAND TRUST COMMISSION LEASE TERMS AND THE PERMANENT WAIVING OF PROPERTY TAX EXEMPTIONS FOR SURVEYED LAND TRACTS FOR APPLICANTS.

1:30 pm

**Bill No. 162-33 (COR) - T.C. Ada**

AN ACT TO AMEND ARTICLES 3, 9, AND 12 OF CHAPTER 5, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO SOURCE SELECTION, LEGAL AND CONTRACTUAL REMEDIES AND THE APPEALS PROCESS.

**Bill No. 145-33 (COR) - D.G. Rodriguez Jr.**

AN ACT TO REPEAL AND REENACT §5126, BY ADDING THE BUREAU OF ECONOMIC SECURITY PROGRAM, OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.

Individuals requiring special accommodations should submit their request to Charlene Flores at 473-3301.

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## Sen. Thomas Ada

### Public Hearing Notice

Friday, September 18, 2015

Liheslaturan Guahan, Public Hearing Room

#### AGENDA

9:00 AM

**Bill No. 132-33(COR) - V. Anthony Ada**

AN ACT TO AMEND §7134 OF CHAPTER 7 OF 16 GCA RELATIVE TO TRANSPORTING NEW VEHICLES FROM A PORT ENTRY TO DEALERS' LOTS.

**Bill No. 134-33(COR) - V. Anthony Ada / T.R. Muñoz Barnes**

AN ACT TO REZONE LOT NO. 3257-4-2, IN THE MUNICIPALITY OF SINAJANA, FROM AGRICULTURAL ZONE (A) TO COMMERCIAL ZONE (C).

**Bill No. 164-33(US) - T.C. Ada**

AN ACT TO CREATE A CHAMORRO LAND TRUST SURVEY FUND FROM THE SALES OF GOVERNMENT OF GUAM LANDS SUCH AS BULL CART TRAILS AND LAND REMNANTS.

**Bill No. 163-33(US) - M.F. O. San Nicolas**

RELATIVE TO THE ESTABLISHMENT OF A TIME FRAME FOR PAYMENT OF THE CHAMORRO LAND TRUST COMMISSION LEASE TERMS AND THE PERMANENT WAIVING OF PROPERTY TAX EXEMPTIONS FOR SURVEYED LAND TRACTS FOR APPLICANTS.

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**Bill No. 162-33(COR) - T.C. Ada**

AN ACT TO AMEND ARTICLES 3, 9, AND 12 OF CHAPTER 5, TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO SOURCE SELECTION, LEGAL AND CONTRACTUAL REMEDIES AND THE APPEALS PROCESS.

**Bill No. 145-33(COR) - D.G. Rodriguez Jr.**

AN ACT TO REPEAL AND REENACT §5126 BY ADDING THE BUREAU OF ECONOMIC SECURITY PROGRAM OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED.

**NOTE:** The public hearing for **Bill 147-33 (COR)** has been rescheduled to **September 24, 2015 at 9:00 am.**

Individuals requiring special accommodations should submit their request to Charlene Flores at 473-3301.

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Guam Daily Post - September 16, 2015