

*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
<b>160-32 (COR)</b>	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.	7/24/13 5:02 p.m.	07/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			<b>Fiscal Notes Requested 7/26/15</b>



# COMMITTEE ON RULES

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

July 26, 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. 158–160(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 Thomas C. Ada  
*Acting Chairperson of the Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 JUL 26 AM 11:42

Bill Nos.	Sponsor	Title
<b>158-32 (COR)</b>	Michael F.Q. San Nicolas	AN ACT TO REQUIRE EACH AGENCY OR INSTRUMENTALITY OF THE GOVERNMENT OF GUAM TO DETERMINE PAYMENTS THAT CAN BE MADE THROUGH ITS WEBSITE AND TO REQUIRE THE BUREAU OF INFORMATION TECHNOLOGY TO ESTIMATE THE COST OF IMPLEMENTING SUCH ONLINE PAYMENTS.
<b>159-32 (COR)</b>	T.A. Morrison T.R. MUÑA Barnes B.J.F. Cruz	AN ACT TO AMEND SUBSECTION II. AG. OF SECTION 2 OF CHAPTER I, AND TO ADD A NEW SECTION 19 TO CHAPTER X BOTH OF PUBLIC LAW 31-233 (GENERAL APPROPRIATIONS ACT OF 2013) MAKING AN APPROPRIATION FROM THE TOURIST ATTRACTION FUND (TAF) TO THE GUAM VISITORS BUREAU (GVB) FOR THE HUMÅTAK COMMUNITY FOUNDATION (HCF), INC. FOR THE PURPOSES OF DEVELOPING THE HUMÅTAK HERITAGE VILLAGE MUSEUM (HHVM).
<b>160-32 (COR)</b>	Dennis G. Rodriguez, Jr.,	AN ACT TO ADOPT THE RULES OF PROCEDURE FOR GOVERNMENT OF GUAM HEALTH INSURANCE NEGOTIATING TEAM AND THE CONDUCT OF THE ANNUAL SOLICITATION OF HEALTH INSURANCE COVERAGE FOR GOVERNMENT OF GUAM ACTIVE EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.



## COMMITTEE ON RULES

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

July 25, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

### MEMORANDUM


Senator  
Vicente (Ben) C. Pangelinan  
Member

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

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

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

Senator  
Dennis G. Rodriguez, Jr.  
Member

**From: Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

Vice-Speaker  
Benjamin J.F. Cruz  
Member

**Subject: Referral of Bill No. 160-32(COR)**

Legislative Secretary  
Tina Rose Muña Barnes  
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 160-32(COR)**.

Senator  
Frank Blas Aguon, Jr.  
Member

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*.

Senator  
Michael F.Q. San Nicolas  
Member

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

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

*Si Yu'os Ma'åse!*

Senator  
Aline Yamashita  
Member

Attachment

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN  
2013 (FIRST) Regular Session**

Bill No. 160 -32 (COR.)

Introduced by:

**D.G. RODRIGUEZ, JR.** *CR*

**AN ACT TO ADOPT THE RULES OF PROCEDURE FOR  
GOVERNMENT OF GUAM HEALTH INSURANCE  
NEGOTIATING TEAM AND THE CONDUCT OF THE  
ANNUAL SOLICITATION OF HEALTH INSURANCE  
COVERAGE FOR GOVERNMENT OF GUAM ACTIVE  
EMPLOYEES, RETIREES, AND THEIR DEPENDANTS.**

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds  
3 that on July 19, 2013, the Government of Guam Health Insurance Negotiating  
4 Team has submitted the proposed Rules of Procedure to the Legislature. The  
5 authority and mandate to establish the rules of procedure is provided for pursuant  
6 to §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated. The rules are  
7 intended to provide for the orderly and equitable process by which the Negotiating  
8 Team shall annually seek to acquire healthcare insurance coverage for active and  
9 retired government of Guam employees and their dependants.

10 *I Liheslaturan Guåhan* takes due notice that the annual process relative to  
11 the solicitation, receipt, review and contract award process for health insurance  
12 coverage is currently being conducted under *interim rules of procedure*, pending  
13 formal legislative action.

14 It is, therefore, the *intent* of *I Liheslaturan Guåhan* to adopt the Rules of  
15 Procedures appended to this Act as Exhibit "A".

2013 JUL 23 PM 5:02

1           **Section 2. Adoption of Rules.** Notwithstanding any other provision of law,  
2 rule, regulation and Executive Order, the Rules of Procedure of the Government of  
3 Guam Health Insurance Negotiating Team, and attached hereto as Exhibit “A”, are  
4 hereby adopted by *I Mina'Trentai Dos Na Liheslaturan Guåhan*, and shall be  
5 codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative  
6 Rules and Regulations.

7           **Section 3. Amendment of Rules.** The government of Guam Health  
8 Insurance Negotiating Team *shall*, in keeping with the provisions of Article 3 of  
9 Chapter 4, 4 GCA, and pursuant to Article 3- rule making procedures, of Chapter  
10 9, Title 5, Guam Code Annotated, review and amend, as may be necessary, the  
11 Rules of Procedure adopted pursuant to section 2 of this Act.

12           **Section 4. Severability.** *If* any provision of this Act or its application to  
13 any person or circumstance is found to be invalid or contrary to law, such  
14 invalidity shall *not* affect other provisions or applications of this Act which can be  
15 given effect without the invalid provisions or application, and to this end the  
16 provisions of this Act are severable.

17           **Section 5. Effective Date.** This Act shall become immediately effective  
18 upon enactment.

1 **Exhibit “A”**

2 **Administrative Rules of Procedure**

3 **FOR**

**Government of Guam Health Insurance Negotiating Team**

4 **[Authority: §4302(c) of Article 3, Chapter 4, Title 4, Guam Code Annotated]**

5 **Department of Administration**

6

1 **PROPOSED - Rules of Procedure for Negotiating Team [as amended in**  
2 **response to Public Hearing]**

3 **Approved by Negotiating Team on July 9, 2013.**

4 **I. Authority.** The Negotiating Team for the government of Guam,  
5 responsible for the solicitation of group health insurance benefits for  
6 employees and retirees of the government, is established by statute.  
7 Pursuant to law, the Negotiating Team shall develop its rules of procedure in  
8 accordance with the Administrative Adjudication Law. 4 GCA § 4302(c).  
9 The responsibilities and roles of the Negotiating Team are those set out by  
10 law at Title Four, Chapter Four, Article Three, of the Guam Code Annotated  
11 (“Group Benefits Laws”). At any time that these Rules of Procedure come  
12 into conflict with the Group Benefits Laws, the Group Benefits Laws shall  
13 preempt these rules.

14 **II. Membership.**

15 A. The Negotiating Team is comprised of individuals identified by statute at  
16 4 GCA §4302(c).

17 B. The Negotiating Team may obtain technical support from other financial,  
18 legal and health-related agencies. The Director of Administration, upon  
19 the approval of the Negotiating Team, may invite representatives of  
20 government departments, agencies, bureaus and other government  
21 entities to Negotiating Team meetings as seen fit to serve as consultants  
22 in aid of the Negotiating Team in its duties. No unilateral consultations  
23 shall be conducted by the Chairperson or any member of the Negotiating  
24 Team nor shall they hold independent meetings or consultations with



1 persons outside of the Negotiating Team and its consultants prior to the  
2 conclusion of the Negotiating Team proceedings.

3 C. The Attorney General or his designee shall act as legal advisor during all  
4 phases of the solicitation or procurement process for group health  
5 insurance benefits for employees and retirees of the government.

6 D. Non-delegation of representation. The following members of the  
7 Negotiating Team are not permitted, by law, to delegate to another  
8 individual the authority to serve in their stead as a substitute or proxy for  
9 purposes of participation in Negotiating Team activities:

- 10 1. Director of Administration
- 11 2. The employee representative of the Judiciary of Guam to be  
12 appointed by the Chief Justice of the Supreme Court of Guam.
- 13 3. The employee representative of the Legislative Branch to be  
14 appointed by the Speaker of *I Liheslaturan Guåhan*.
- 15 4. The retiree who is a member of the Government of Guam  
16 Retirement Fund appointed by the Board of Trustees of the  
17 Government of Guam Retirement Fund.
- 18 5. The member of the general public appointed *by I Maga'låhen*  
19 *Guåhan*.

20 E. Delegation of representation. The following members of the Negotiating  
21 Team are permitted, by law, to delegate to another individual the  
22 authority to serve in their stead as a substitute or proxy for purposes of  
23 participation in Negotiating Team activities:

- 24 1. The Administrator of the Department of Integrated Services for  
25 Individuals with Disabilities.
- 26 2. The Director of the Bureau of Budget and Management Research.

- 1           3. The Superintendent of the Department of Education.
- 2           4. The Director of the Government of Guam Retirement Fund.
- 3           5. The Chairperson of the Committee on Health or the successor
- 4           committee of *I Liheslaturan Guåhan*.
- 5           6. The Chairperson of the Committee on Appropriations, or the
- 6           successor committee of *I Liheslaturan Guåhan*.

7           F. Delegation in writing. A member of the Negotiating Team who is  
8           permitted, by law, to delegate to another individual the authority to serve  
9           in their stead as a substitute or proxy shall designate such delegation in  
10          writing and have such written delegation delivered to the Chairperson of  
11          the Negotiating Team prior to the delegation being effective. Any  
12          member of the Negotiating Team with the authority to delegate shall  
13          delegate only one representative for the entire process to ensure for  
14          continuity of communications and to safeguard the dissemination of  
15          information. A written delegation may be repealed in writing.

### 16   **III. Voting.**

17          A. Voting Members. The following members of the Negotiating Team are  
18          voting members:

- 19
- 20           1. The Director of Administration, who shall be Chairperson of the
- 21           Negotiating Team.
- 22           2. The employee representative from the Judicial Branch appointed
- 23           by the Chief Justice of the Supreme Court of Guam.
- 24           3. The employee representative of the Legislative Branch to be
- 25           appointed by the Speaker of *I Liheslaturan Guåhan*.

- 1           4. The retiree who is a member of the Government of Guam  
2           Retirement Fund to be appointed by the Board of Trustees of the  
3           Government of Guam Retirement Fund.
- 4           5. The member of the general public, appointed *by I Maga'låhen*  
5           *Guåhan*.
- 6           6. The Administrator of the Department of Integrated Services for  
7           Individuals with Disabilities, or his or her designee.
- 8           7. The Director of the Bureau of Budget and Management Research,  
9           or his or her designee.
- 10          8. The Superintendent of the Department of Education, or his or her  
11          designee.
- 12          9. The Director of the Government of Guam Retirement Fund, or his  
13          or her designee.

14          B. Non-Voting Members. The following members of the Negotiating Team  
15          are non-voting members:

- 16           1. The Chairperson of the Committee on Health or the successor  
17           committee *of I Liheslaturan Guåhan*, or his or her designee.
- 18           2. The Chairperson of the Committee on Appropriations or the  
19           successor committee *of I Liheslaturan Guåhan*, or his or her  
20           designee.

21          **IV. Confidentiality.** Members, delegates of members, consultants of the  
22          Negotiating Team, and applicable Department of Administration staff as  
23          determined by the Director of Administration must adhere to the strictest of  
24          confidentiality and acknowledge that the proposals received are confidential  
25          in nature. Team members, delegates of members, consultants, and  
26          applicable Department of Administration staff acknowledge that no

1 information contained in the proposals, meetings or negotiations can be  
2 divulged to any person outside of the Negotiating Team. Team members,  
3 delegates of members, consultants and applicable Department of  
4 Administration staff must sign a confidentiality agreement attesting to such.  
5 Confidentiality agreements shall be signed prior to the predetermined  
6 meeting date and time for opening proposals referenced in Section IX. A  
7 delegate may brief the member of the Negotiating Team who made the  
8 delegation about the business of the Negotiating Team but both parties are  
9 subject to strict confidentiality throughout the entire process.

10 **V. No conflict-of-interest.** A member, consultant or advisor of the Negotiating  
11 Team that has a conflict of interest (as understood and regulated by 5 GCA  
12 §§ 5625-5633) because of a financial interest with an offeror or due to  
13 employment of a family member shall recuse him or herself from being a  
14 member, consultant or advisor of the Negotiating Team during the pendency  
15 of the solicitation. Members, consultants and advisors of the Negotiating  
16 Team must sign an affidavit that no conflict of interest exists with any  
17 offerors once knowledge of the names of the carriers who submitted  
18 proposals is known and prior to receiving any information contained in the  
19 proposals. Any member, consultant or advisor who later realizes that a  
20 conflict of interest exists must recuse himself or herself from being a  
21 member of the Negotiation Team.

22 **VI. Meetings.** Meetings of the Negotiating Team shall be called by the  
23 Chairperson, or by a majority of the voting members of the Negotiating  
24 Team.

25 A. The Chairperson shall set the time, day and place of meetings with the  
26 intent to permit the largest number of voting members of the Negotiating

1 team to attend the meeting. The Chairperson shall establish an agenda  
2 for each meeting. The agenda shall be confirmed by the Negotiating  
3 Team at the start of a meeting.

4 B. Notice of meetings of the Negotiating Team shall be provided to each  
5 member of the Negotiating Team in writing, by business email, and by  
6 other acceptable written or telephonic format as may be determined by  
7 the Negotiating Team from time to time, at least one business day in  
8 advance of the meeting.

9 C. Notwithstanding the foregoing, the Negotiating Team, at a properly  
10 noticed meeting with a quorum present, may adjourn its business and  
11 schedule a subsequent meeting for a time, day and place certain even  
12 though notice as prescribed here cannot be given one business day before  
13 the meeting. Nonetheless, written notice, by business email of such  
14 subsequent meeting shall be provided to each member. Nothing here  
15 prohibits additional forms of providing notice to ensure that all members  
16 receive actual notice of a scheduled meeting.

17 D. The Chairperson is responsible for providing timely notice to all  
18 members of the Negotiating Team of each meeting, as provided for in  
19 this rule.

20 **VII. Quorum.** The Negotiating Team may conduct official business if a quorum  
21 of its voting members is present at any properly noticed meeting. A quorum  
22 of the Negotiating Team is seven (7) voting members.

23 **VIII. Decisions.** At any properly noticed meeting of the Negotiating Team where  
24 a quorum is present, the Negotiating Team shall make decisions based upon  
25 an affirming vote of at least five (5) of the voting members present, after a  
26 motion is made by any member, and seconded by any other member. In any

1 circumstance, a failure to get an affirming vote of at least five (5) of the  
2 voting members present shall mean that the motion being voted on fails for  
3 lack of a majority. Upon the casting of votes, team members shall sign off  
4 on a voting sheet to document the decision made.

5 **IX. Opening of Proposals.** Provisions shall be made in each Request For  
6 Proposals that establish the process for receiving proposals, documenting the  
7 reception of proposals, the initial opening of proposals to ensure a proper  
8 count, documenting the count, and for adequately securing proposals  
9 received so that they shall only be viewed by persons having legitimate  
10 access to proposals. Provisions made for the initial opening of proposals  
11 may include the involvement of the Negotiating Team and/or representatives  
12 of offerors, as determined by the Negotiating Team and set out in the  
13 Request For Proposals.

14 **X. Authority to Clarify Proposals.** The Negotiation Team shall request any  
15 documents or information for any proposals received and deemed to be non-  
16 responsive or not qualified that will cause said proposals to be responsive  
17 and qualified. A proposal shall only be disqualified or rejected if any offeror  
18 fails to submit the requested information to the Negotiating Team within  
19 three business days after request.

20 **XI. Proceeding to the Next Phase.** After the conclusion of each phase  
21 identified in the RFP, Team Members must acknowledge, via signature, such  
22 approval or disapproval to proceed to the next phase.

23 **XII. Weighting and Ranking.** During the planning stage of each solicitation for  
24 group health and dental insurance, the Negotiating Team shall establish the  
25 processes and mechanisms for evaluating proposals submitted in response to  
26 a solicitation for the purpose of the ultimate ranking of proposals, to include

1 the factors to be evaluated, the weighting of the various factors, the process  
2 of scoring the evaluation factors, the development of a scoring sheet or  
3 sheets, and all other processes that lead to the ultimate ranking of proposals.  
4 The Negotiating Team, and each Team member, shall follow the evaluation  
5 process developed for a given solicitation and as set out in the Request For  
6 Proposals for that solicitation.

7 **XIII. Review and Audit.** The Negotiating Team reserves the right and obligation  
8 to review and audit its evaluation determination during the solicitation  
9 process, consistent with the instructions and procedures provided for in a  
10 Request For Proposals, Guam law and regulations.

11 **XIV. Roles of Team Members.** The following are the responsibilities of the  
12 Department of Administration personnel, consultant and negotiating team  
13 members. Any additional duties identified in the Consultant contract, 4  
14 GCA, § 4301 and other pertinent sections that may arise hereafter are also  
15 included under these Rules of Procedures.

16 A. Consultant: Consultant is responsible for duties as defined in consultant  
17 contract and any amendments thereof.

18 B. DOA: The Department of Administration is responsible for the  
19 following:

- 20 1. Preparation of RFP to include comments and recommendations  
21 submitted by team members, finalization and issuance of RFP,  
22 advertisements, recordings of meetings with team, scheduling and  
23 notifications of meetings, compilation of voting sheets of motions  
24 made, responding to inquiries posed during the issuance of the  
25 RFP as guided by consultant, collection of incoming proposals,  
26 review of proposals to ensure for initial compliance as defined in

1 the RFP, preparation of negotiations materials, securing site for  
2 negotiations, logistics, communications to carriers as directed by  
3 Negotiation Team members and communications to the consultant  
4 except during designated official team meetings.

5 2. The publication date of the RFP is determined by the Chairperson  
6 of the Negotiation Team.

7 C. Negotiation Team Members: Negotiation Team members are responsible  
8 for the development of the minimum qualifications for proposals,  
9 development of the ranking system used to rank proposals, reviewing  
10 proposals upon conclusion of initial review by consultant, examination of  
11 the financial information, rating of proposals, determination of qualified  
12 carriers after review, approval and recommendation from the consultant  
13 and Department of Administration, ranking of carriers, negotiations,  
14 development of contractual language requirements, and the final  
15 recommendation, after obtaining guidance from the Consultant,  
16 Insurance Commissioner and Attorney General, to the Governor for  
17 approval.

18 **XV. Amendment.** These Rules of Procedure may be amended by the  
19 Negotiating Team pursuant to the Administrative Adjudication Law, 5 GCA  
20 § 9301.

21 **XVI. Compliance With Law.** The Negotiating Team shall retain consultants  
22 cognizant of Federal and Guam laws as applicable to the provision of health  
23 and dental insurance and health and dental services, and as applicable to the  
24 solicitation and acquisition of group health and dental insurance programs  
25 for government employees, retirees, families and survivors.



1 **XVII. Vice Chairperson.** There shall be a Vice Chairperson of the Negotiating  
2 Team chosen from among the members of the Negotiating Team by a  
3 majority vote of the Negotiating Team. The Vice Chairperson shall serve as  
4 Chairperson at any meeting of the Negotiating Team at which the Director  
5 of Administration is unable to attend.