



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

FEB 16 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

977 19 PM 16 10
[Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 300-30(COR) "AN ACT TO AMEND §10401 OF ARTICLE 4, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE PORT AUTHORITY OF GUAM PUBLIC-PRIVATE PARTNERSHIP AUTHORIZATION THROUGH A PERFORMANCE MANAGEMENT CONTRACT" which I signed into law on February 8, 2010 as Public Law 30-90.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

30-10-0162
[Signature] 2/17/10
ya

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

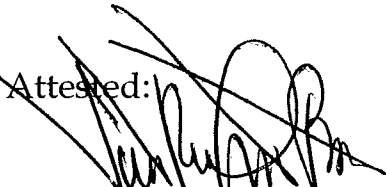
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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



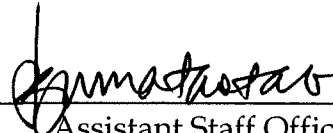
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: FEB 08 2010

Public Law No. P.L. 30-90

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

Bill No. 300-30 (COR)

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

Introduced by:

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

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

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

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

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

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

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

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

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

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

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

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