



# DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT



[www.gdoe.net](http://www.gdoe.net)  
P.O. Box DE, Hagatna, Guam 96932  
Telephone: (671) 475-0457 or 300-1547/1536 \* Fax: (671) 472-5003  
Email: nbunderwood@gdoe.net

**Nerissa Bretania Underwood, Ph.D.**  
Superintendent of Education

October 8, 2010

Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date: 10/15/10  
Time: 10:08  
Receiver: 30-10-087

Honorable, Judith T. Won Pat, Ed. D.  
Thirtieth Guam Legislature  
253 West O'Brien Dr.  
Hagatna, Guahan 96910

Re: **Mandated Review by Attorney General of IFB/RFPs prior to Issuance, PL 30-72**

Hafa Adai Speaker Won Pat!

I would like to request for legislation providing an exemption from the requirement for the Office of Attorney General to review Requests for Proposals and Invitation for Bids funded by the US Department of Education (USDOE) American Recovery and Reinvestment Act (ARRA). I am increasingly concerned about the Department of Education's ability to fully obligate and expend the USDOE ARRA funds by the required deadlines. The Department has limited staff and bottlenecks still occur related to attorney review even though our Legal Counsel has been deputized to assist in this effort.

As you are aware, the Department has been required to contract with a Third Party Fiduciary Agent (TPFA) to oversee USDOE grants. As part of this contract, they will be handling the procurement for all USDOE grants. We believe that this oversight will be sufficient to meet the objectives that the AG review would otherwise meet.

We are working as quickly as we can to obligate the funds and implement the programs. However, the required review has added days, sometimes weeks, and in the immediate past, months to the process. We are asking for a limited exemption for those procurements that will be handled by the TPFA.

I hope that you will consider this request. I am available at your convenience to discuss this in greater detail.

Senseramente,

**NERISSA BRETANIA UNDERWOOD, Ph.D.**  
Superintendent of Education

2010 OCT 25 AM 8:52

- cc: The Honorable Benjamin JF Cruz, Vice Speaker, 30<sup>th</sup> Guam Legislature
- Guam Board of Education
- Philip A. Maestri, Director, Risk Management Service, Office of the Secretary, USDOE
- Deputy Superintendent, Finance & Administrative Support