

John Weisenberger
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OFFICE OF THE ATTORNEY GENERAL

December 27, 2010

Honorable Judith T. Won Pat, Ed.D.
Speaker, In Mina Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

7:30 AM DEC 30 2010
10-30-1089
12/29/2010
3:14 PM
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Re: Review of Bill No. 497-30; AG Reference No.: 10-1178

Dear Speaker Won Pat:

Hafa Adai! Our Office is in receipt of your request to review and make recommendations regarding Bill 497-30. After reviewing the Bill our Office recommends amending the Bill by removing the last sentence and adding a new paragraph to read as follows:

“The Department of Education shall be exempted from this section pertaining to any solicitation or procurement funded by the United States Department of Education provided that:

1. The funding source is one of the funding sources under the management, control, and review of the Third Party Fiduciary Agent; and
2. The proposed procurement activity has been reviewed and approved by the Third Party Fiduciary Agent and GDOE’s Legal Counsel.”

This recommendation is based on the fact that USDOE has required and approved a Third Party Fiduciary Agent for the expenditure of DOE grant funds. The selected Third Party Fiduciary Agent was selected in part because of their expertise in procurement. The proposed amendment will eliminate the need for the Attorney General’s Office to duplicate the efforts of the Third Party Fiduciary Agent.

Sincerely,


FRED NISHIHIRA
Assistant Attorney General

Information and Guidance

2602