



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor of Guam*

April 12, 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

RE: Bill No. 4-32 (LS) – Public Law No. 32-010

Dear Madame Speaker:

Transmitted herewith is Bill No. 4-32 (LS), "AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY" OF 2013", which I signed into law on April 11, 2013, as Public Law 32-010.

*Senseramente,*

**EDDIE BAZA CALVO**

Attachment: Copy of Bill

72-13-272  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 4/12/13  
Time 4 PM  
Received by RT

2013 APR 12 PM 4: 22

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

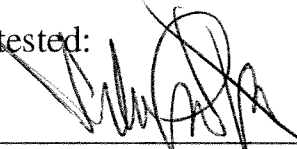
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Substitute Bill No. 4-32 (LS), "AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF TECHNOLOGY", was on the 1<sup>st</sup> day of April, 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:

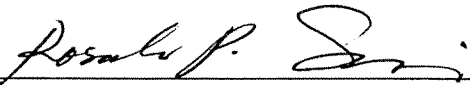


Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12 day of ~~February~~ <sup>April</sup>, 

2013, at

12:10 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date:

APR 1 1 2013

Public Law No. 32-010

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

**Bill No. 4-32 (LS)**

As substituted by the Committee on  
General Government Operations  
and Cultural Affairs; and further  
substituted and amended on the Floor.

Introduced by:

Tommy Morrison  
B. J.F. Cruz  
V. Anthony Ada  
Chris M. Dueñas  
Michael F. Q. San Nicolas  
T. C. Ada  
Aline A. Yamashita, Ph.D.  
Michael T. Limtiaco  
Brant T. McCreadie  
R.J. Respicio  
Frank B. Aguon, Jr.  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
Dennis G. Rodriguez, Jr.  
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND RE-ENACT ARTICLE 2 OF  
CHAPTER 20 OF TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO ESTABLISHING THE OFFICE OF  
TECHNOLOGY.**

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

2 **Section 1.** Article 2 of Chapter 20 of Title 5, Guam Code Annotated, is *repealed*  
3 *and re-enacted* to read:

4 **“ARTICLE 2**  
5 **OFFICE OF TECHNOLOGY**

1                   **§ 20200. Findings and Purposes.**

2                   *I Liheslaturan Guåhan* finds and declares that information technology is  
3 essential to finding practical solutions to the everyday problems of government,  
4 and that the management goals and purposes of government are furthered by the  
5 development of compatible, linked information systems across government.  
6 Therefore, it is the purpose of this Article to create, as an integral part of the  
7 Department of Administration, the Office of Technology with the authority to  
8 advise and make recommendations to all local governmental units on their  
9 information systems, and to have the authority to oversee coordination of the  
10 government's technical infrastructure.

11                   **§ 20201. Scope of Authority.**

12                   This Article *shall* apply to all agencies of the executive branch of the  
13 government of Guam, not including the autonomous agencies as defined by  
14 12GCA. This Article *shall not* apply to the legislative and judicial branches of  
15 the government of Guam.

16                   **§ 20202. Definitions.**

17                   As used in this Article:

18                   (a) *Information systems* means computer-based information equipment  
19 and related services designed for the automated transmission, storage,  
20 manipulation and retrieval of data by electronic or mechanical means;

21                   (b) *Information technology* means data processing and  
22 telecommunications hardware, software, services, supplies, personnel,  
23 maintenance, and training, and includes the programs and routines used to  
24 employ and control the capabilities of data processing hardware;

25                   (c) *Information equipment* includes central processing units, front-end  
26 processing units, microprocessors and related peripheral equipment, including  
27 data storage devices, networking equipment, services, routers, document

1 scanners, data entry equipment, terminal controllers, data terminal equipment,  
2 and computer-based word processing systems, other than memory typewriters;

3 (d) *Related services* includes feasibility studies, systems design,  
4 software development and time-sharing services, whether provided by  
5 government of Guam employees or others;

6 (e) *Telecommunications* means any transmission, emission or reception  
7 of signs, signals, writings, images, or sounds of intelligence of any nature by  
8 wire, radio, or other electromagnetic or optical systems. The term includes all  
9 facilities and equipment performing those functions that are owned, leased or  
10 used by the executive agencies of the government;

11 (f) *Chief Technology Officer* means the person holding the position  
12 created in §20203 of this Article, and vested with the authority to oversee  
13 agencies/programs in planning and coordinating information systems that serve  
14 the effectiveness and efficiency of the government and individual  
15 agencies/programs, and further the overall management goals and purposes of  
16 government;

17 (g) *Technical infrastructure* means all information systems, information  
18 technology, information equipment, telecommunications, and related services, as  
19 defined in this Section;

20 (h) *Information technology project* means the process by which  
21 telecommunications, automated data processing, databases, the internet,  
22 management information systems and related information, equipment, goods and  
23 services are planned, procured and implemented;

24 (i) *Major information technology project* means any information  
25 technology project estimated to cost *more than* One Hundred Thousand Dollars,  
26 or require *more than* three hundred man hours to complete; and

1 (j) *Steering committee* means an internal agency oversight committee  
2 established jointly by the Chief Technology Officer and the agency requesting  
3 the project, which shall include representatives from the Office of Technology  
4 and *at least* one representative from the agency requesting the project.

5 **§ 20203. Office of Technology; Chief Technology Officer;**  
6 **Appointment and Qualifications.**

7 The Office of Technology is created within the Department of  
8 Administration. A Chief Technology Officer *shall* be appointed by *I Maga'låhen*  
9 *Guåhan* (the Governor) with the advice and consent of *I Liheslaturan Guåhan*  
10 (the Legislature). *I Maga'låhen Guåhan* may create and empanel an advisory  
11 council within the Office of Technology to provide guidance and expertise to the  
12 Chief Technology Officer and the Office of Technology staff. The Chief  
13 Technology Officer *shall* have knowledge in the field of information technology,  
14 experience in the design and management of information systems and an  
15 understanding of the special demands upon government with respect to  
16 budgetary constraints, the protection of privacy interests and federal and local  
17 standards of accountability.

18 The candidate for this position *shall* have *at least* five (5) years of  
19 managerial experience in the field of Information Technology, Management  
20 Information Systems, Financial Information Systems, or closely related field, in a  
21 company or governmental agency with revenues in excess of Ten Million Dollars  
22 (\$10,000,000).

23 **§ 20204. Powers and Duties of the Chief Technology Officer;**  
24 **Generally.**

25 (a) With respect to all agencies/programs the Chief Technology Officer  
26 may:

1           (1) develop an organized approach to information resource  
2 management for the government of Guam;

3           (2) provide, with the assistance of the  
4 information/technology/communications services of the Department of  
5 Administration, technical assistance to the administrators of the various  
6 agencies/programs in the design and management of information systems;

7           (3) evaluate, in conjunction with the Information Services and  
8 Communications Division, the economic justification, system design and  
9 suitability of information equipment and related services, and review and  
10 make recommendations on the purchase, lease or acquisition of  
11 information equipment and contracts for related services by the  
12 agencies/programs;

13           (4) develop a mechanism for identifying those instances where  
14 systems of paper forms should be replaced by direct use of information  
15 equipment and those instances where applicable government of Guam or  
16 federal standards of accountability demand retention of some paper  
17 processes;

18           (5) develop a mechanism for identifying those instances where  
19 information systems should be linked and information shared, while  
20 providing for appropriate limitations on access and the security of  
21 information;

22           (6) create new technologies to be used in government, convene  
23 conferences, and develop incentive packages to encourage the utilization  
24 of technology;

25           (7) engage in any other activities as directed by *I Maga'låhi* (the  
26 Governor);

1           (8) charge a fee to the agencies/programs for evaluations  
2 performed and technical assistance provided under the provisions of this  
3 Section. All fees collected by the Chief Technology Officer *shall* be  
4 deposited in a special account in the Government of Guam Treasury to be  
5 known as the Technology Office Administration Fund. Expenditures from  
6 the Fund *shall* be made by the Chief Technology Officer for the purposes  
7 set forth in this Article in accordance with an appropriation by *I*  
8 *Liheslaturan Guåhan*.

9           (9) monitor trends and advances in information technology and  
10 technical infrastructure;

11           (10) direct the formulation and promulgation of policies,  
12 guidelines, standards and specifications for the development and  
13 maintenance of information technology and technical infrastructure,  
14 including, but *not* limited to:

15                   (A) standards to support the government of Guam and the  
16 exchange, acquisition, storage, use, sharing and distribution of  
17 electronic information;

18                   (B) standards concerning the development of electronic  
19 transactions, including the use of electronic signatures;

20                   (C) standards necessary to support a unified approach to  
21 information technology across the totality of the government of  
22 Guam, thereby assuring that the residents and businesses of Guam  
23 receive the greatest possible security, value and convenience from  
24 investments made in technology;

25                   (D) guidelines directing the establishment of government-  
26 wide standards for the efficient exchange of electronic information



1 and technology, including technical infrastructure, between the  
2 public and private sectors;

3 (E) technical and data standards for information technology  
4 and related systems to promote efficiency and uniformity;

5 (F) technical and data standards for the connectivity,  
6 priorities and interoperability of technical infrastructure used for  
7 homeland security, public safety and health, and systems reliability  
8 necessary to provide continuity of government operations in times of  
9 disaster or emergency; and

10 (G) technical and data standards for the coordinated  
11 development of infrastructure related to deployment of electronic  
12 government services;

13 (11) periodically evaluate the feasibility of subcontracting  
14 information technology resources and services, and to subcontract *only*  
15 those resources that are feasible and beneficial to the government of  
16 Guam;

17 (12) direct the compilation and maintenance of an inventory of  
18 information technology and technical infrastructure, which may include  
19 personnel, facilities, equipment, goods and contracts for services, wireless  
20 tower facilities, geographic information systems, and any technical  
21 infrastructure or technology that is used for law enforcement, homeland  
22 security, or emergency services;

23 (13) develop job descriptions and qualifications necessary to  
24 perform duties related to information technology as outlined in this  
25 Article;

26 (14) periodically evaluate government wide public  
27 safety/homeland security communications system/network requirements,

1 inclusive of the "911" system, and report findings and recommendations to  
2 *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*, and provide support for  
3 the procurement, installation and operation of such systems/networks; and

4 (15) promulgate rules as may be necessary to standardize and make  
5 effective the administration of the provisions of Article 6 of this Chapter.

6 (b) With respect to executive agencies, the Chief Technology Officer may:

7 (1) develop a unified and integrated structure for information  
8 systems for all executive agencies;

9 (2) establish, based on need and opportunity, priorities and time  
10 lines for addressing the information technology requirements of the  
11 various executive agencies of the government of Guam;

12 (3) exercise authority delegated by *I Maga'låhi* (the Governor) by  
13 Executive Order to overrule and supersede decisions made by the  
14 administrators of the various executive agencies of government with  
15 respect to the design and management of information systems and the  
16 purchase, lease or acquisition of information equipment and contracts for  
17 related services;

18 (4) draw upon staff of other executive agencies for advice and  
19 assistance in the formulation and implementation of administrative and  
20 operational plans and policies; and

21 (5) recommend to *I Maga'låhi* (the Governor) transfers of  
22 equipment and human resources from any executive agency and the most  
23 effective and efficient uses of the fiscal resources of executive agencies, to  
24 consolidate or centralize information-processing operations.

25 (c) The Chief Technology Officer may employ the personnel necessary  
26 to carry out the work of the Office of Technology and may approve  
27 reimbursement of costs incurred by employees to obtain education and training.

1 (d) The Chief Technology Officer *shall* oversee telecommunications  
2 services used by agencies/programs for the purpose of maximizing efficiency to  
3 the fullest possible extent. The Chief Technology Officer may establish  
4 microwave or other networks and hops; audit telecommunications services and  
5 usage; recommend and develop strategies for the discontinuance of obsolete or  
6 excessive utilization; participate in the renegotiation of telecommunications  
7 contracts; and encourage the use of technology and take other actions necessary  
8 to provide the greatest value to the government of Guam.

9 **§ 20204.1. Duties of the Chief Technology Officer Relating to**  
10 **Security of Government Information.**

11 (a) The Chief Technology Officer *shall* ensure the security of  
12 government information and the data communications infrastructure from  
13 unauthorized uses, intrusions or other security threats. At a minimum, these  
14 policies, procedures and standards *shall* identify and require the adoption of  
15 practices to safeguard information systems, data and communications  
16 infrastructures, as well as define the scope and regularity of security audits, and  
17 which bodies are authorized to conduct security audits. The audits may include  
18 reviews of physical security practices.

19 (b) Annual audits:

20 (1) The Chief Technology Officer *shall*, at least annually,  
21 perform security audits of all executive branch agencies regarding the  
22 protection of government databases and data communications.

23 (2) Security audits may include, but are *not* limited to, on-site  
24 audits, as well as reviews of all written security procedures and  
25 documented practices.

26 (c) The Chief Technology Officer may contract with a private firm, or  
27 firms, that specialize in conducting these audits.

1           (d) All public bodies subject to the audits required by this Section *shall*  
2 fully cooperate with the entity designated to perform the audit.

3           (e) The Chief Technology Officer may direct specific remediation  
4 actions to mitigate findings of insufficient administrative, technical and physical  
5 controls necessary to protect government information or data communication  
6 infrastructures.

7           (f) The Chief Technology Officer *shall* promulgate rules to minimize  
8 vulnerability to threats and to regularly assess security risks, determine  
9 appropriate security measures, and perform security audits of government  
10 information systems and data communications infrastructures.

11           (g) The Chief Technology Officer *shall* ensure compliance with  
12 confidentiality restrictions and other security guidelines applicable to law-  
13 enforcement agencies, emergency response personnel, and emergency  
14 management operations.

15           (h) The provisions of this Section *shall not* infringe upon the  
16 responsibilities assigned to the Public Auditor, or other statutory requirements.

17           (i) In consultation with the Adjutant General, the Chief of Police, the  
18 Fire Chief and the Director of the Division of Homeland Security, the Chief  
19 Technology Officer is responsible for the development and maintenance of an  
20 information systems disaster recovery system for the government of Guam with  
21 redundant sites in two or more locations isolated from reasonably perceived  
22 threats to the primary operations of the government of Guam. The Chief  
23 Technology Officer *shall* develop specifications, funding mechanisms and  
24 participation requirements for all executive branch agencies to protect the  
25 government of Guam's essential data, information systems and critical  
26 government services in times of emergency, inoperativeness, or disaster. Each  
27 executive branch agency *shall* assist the Chief Technology Officer in planning

1 for its specific needs, and provide to the Chief Technology Officer any  
2 information or access to information systems or equipment that may be required  
3 in carrying out this purpose. No government-wide or executive branch agency  
4 procurement of disaster recovery services may be initiated, let or extended  
5 without the expressed consent of the Chief Technology Officer.

6 **§ 20204.2. Project Management Duties of the Chief Technology**  
7 **Officer**

8 The Chief Technology Officer *shall* be the Project Manager for all  
9 technology projects of agencies under the jurisdiction of this Article. The Chief  
10 Technology Officer may delegate Project Management duties to an employee or a  
11 contract manager in the event that the project's funding sources, such as a grant  
12 or specific appropriation, allows funds to be expended for project management.

13 **§ 20204.3. Major Information Technology Projects Proposals and the**  
14 **Establishment of Steering Committees.**

15 (a) Prior to proceeding with a major information technology project, an  
16 agency *shall* submit a project proposal outlining the business need for the  
17 project, the proposed technology solution, if known, and an explanation of how  
18 the project will support the agency's business objective and the government of  
19 Guam's strategic plan for information technology. The project manager may  
20 require the submission of additional information as needed to adequately review  
21 any proposal.

22 (b) The proposal will further include:

- 23 (1) a detailed business case plan, including a cost-benefit  
24 analysis;
- 25 (2) a business process analysis, if applicable;
- 26 (3) system requirements, if known;

1 (4) a proposed development plan and project management  
2 structure;

3 (5) business goals and measurement criteria, as appropriate; and

4 (6) a proposed resource or funding plan.

5 (c) The project manager assigned to review the project development  
6 proposal *shall* recommend its approval or rejection to the Chief Technology  
7 Officer. If the Chief Technology Officer approves the proposal, then he or she  
8 *shall* notify the agency of its approval.

9 (d) Whenever an agency has received approval from the Chief  
10 Technology Officer to proceed with the development and acquisition of a major  
11 information technology project, the Chief Technology Officer *shall* establish a  
12 steering committee.

13 (e) The steering committee *shall* provide ongoing oversight for the  
14 major information technology project, and have the authority to approve or reject  
15 any changes to the project's scope, schedule or budget.

16 (f) The Chief Technology Officer *shall* ensure that the major  
17 information technology project has in place adequate project management and  
18 oversight structures for addressing the project's scope, schedule or budget, and  
19 *shall* address issues that cannot be resolved by the steering committee.

20 **§ 20205. Notice of Request for Proposals by Agencies/Programs**  
21 **Required to Make Purchases Through the Guam General Services Agency.**

22 Any agency/program that pursues an information technology purchase that  
23 *does not* meet the definition of a "major technology project," and that is required  
24 to submit a request for proposal to the Guam General Services Agency prior to  
25 purchasing goods or services, *shall* obtain the approval of the Chief Technology  
26 Officer, in writing, of any proposed purchase of goods or services related to its  
27 information technology and telecommunication systems. The notice *shall*

1 contain a brief description of the goods and services to be purchased. The  
2 agency/program *shall* provide the notice to the Chief Technology Officer prior to  
3 the time it submits its request for proposal to the Guam General Services Agency.

4 **§ 20206. Notice of Request for Proposals by an Agency/Program**  
5 **Exempted From Submitting Purchases to the Guam General Services**  
6 **Agency.**

7 (a) Any agency/program that is *not* required to submit a request for  
8 proposal to the Guam General Services Agency prior to purchasing goods or  
9 services *shall* notify the Chief Technology Officer, in writing, of any proposed  
10 purchase of goods or services related to its information technology or  
11 telecommunication systems. The notice *shall* contain a detailed description of the  
12 goods and services to be purchased. The agency/program *shall* provide the notice  
13 to the Chief Technology Officer a minimum of ten days prior to the time it  
14 requests bids on the provision of the goods or services.

15 (b) If the Chief Technology Officer evaluates the suitability of the  
16 information technology and telecommunication equipment and related services  
17 under the provisions of §20204(a)(3) of this Article, and determines that the  
18 goods or services to be purchased are *not* suitable, he or she *shall*, within ten  
19 days of receiving the notice from the agency/program, notify the  
20 agency/program, in writing, of any recommendations he or she has regarding the  
21 proposed purchase of the goods or services. If the agency/program receives a  
22 written notice from the Chief Technology Officer within the time period required  
23 by this Section, the agency/program *shall not* put the goods or services out for  
24 bid *less than* fifteen days following receipt of the notice from the Chief  
25 Technology Officer.

26 **§ 20207. Exemptions.**

1           (a) The provisions of this Article *do not* apply to autonomous agencies  
2 as defined by 12GCA, *I Liheslaturan Guåhan*, the Judiciary/Public Defender  
3 Service Corporation, the Office of Public Accountability, and the Office of the  
4 Attorney General.

5           (b) Notwithstanding any other provision of this Article to the contrary,  
6 *except* for participation in the compilation and maintenance of an inventory of  
7 information technology and technical infrastructure of the government of Guam  
8 authorized by §20204 of this Article, the provisions of this Article *do not* apply  
9 to the Guam Department of Education. The Guam Department of Education may  
10 cooperate and collaborate with the Chief Technology Officer to the extent  
11 feasible.

12           (c) *I Maga'lahaen Guåhan* may, by executive order, exempt from the  
13 provisions of this Article any entity created and organized to facilitate the public  
14 and private use of health care information and the use of electronic medical  
15 records throughout the government of Guam.

16           **§ 20208. Voluntary Assistance.**

17           Any branch or agency exempt from the provisions of this Article by  
18 §20209(a) *may*, by memorandum of understanding, avail itself of any of the  
19 services offered by the Office of Technology if such branch or agency determines  
20 that acquiring such services is feasible. Such memorandum of understanding  
21 *may* include fees and costs paid by the branch or agency, *except* that no fees for  
22 such services shall be paid by the Office of Attorney General or the Office of  
23 Public Accountability. The Chief Technology Officer *shall* create a schedule of  
24 fees, rates and other consideration for services rendered to other government of  
25 Guam agencies, departments, public corporations and instrumentalities. Such  
26 schedule and any changes to such schedule must be approved by *I Maga'lahaen*  
27 *Guåhan* and transmitted to *I Liheslaturan Guåhan* in Bill form. The fee schedule



1 and any future changes to the fee schedule *shall* be subject to approval by *I*  
2 *Liheslaturan Guåhan* after the following conditions are met: (a) at least one (1)  
3 public hearing for the affected agencies on the fee schedules by the Office of  
4 Technology pursuant to Chapter 10 of 5GCA; and (b) submission of the fee  
5 schedule to *I Liheslaturan Guåhan*, inclusive of the minutes of such hearing(s)  
6 on the fee schedules. Prior to initiating services requested by an agency where  
7 fees, rates or other consideration are required, the work order for such services  
8 must be certified for availability of funds and approved by the agency's  
9 approving officer.

10 **§ 20209. Applicability of Succession of Article.**

11 (a) All references to Automatic Data Processing Act as contained in  
12 Article 2 of Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act  
13 *shall* henceforth refer to the Office Of Technology as enacted by Section 1 of this  
14 Act. The Compiler of Laws *shall* make appropriate changes in the codification  
15 of public law consistent with this Section.

16 (b) The Office Of Technology *shall* assume all obligations, required by  
17 contract, memoranda of understanding, rule, regulation and executive order, of  
18 the Department of Administration as related to the operation of Article 2 of  
19 Chapter 20 of 5GCA prior to the enactment of Section 1 of this Act.

20 **§ 20210. Semi-Annual Reporting.**

21 The Chief Technology Officer *shall* submit a report to *I Liheslaturan*  
22 *Guåhan* every six (6) months on the activities of the Office of Technology.”

23 **Section 2. Disposition of Department Of Administration Data Processing**  
24 **Division.**

25 All funds appropriated for Fiscal Year 2013 for the operations of the  
26 Department Of Administration's Data Processing Division *shall* be administered  
27 by the Office Of Technology. Control over appropriation *shall* remain with the

1 Director of Administration until such time that an individual is appointed to fill  
2 the Chief Technology Officer position.

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