

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 10 2014

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

32-13-1385
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 3.10.14
Time: 4:41 PM
Received by: [Signature]
2014 MAR 10 PM 5:01 [Signature]

Dear Madame Speaker:

Attached is Bill No. 201-32 (COR), entitled, "**An act to add a new §5141 to Chapter 5 of Title 5, Guam Code Annotated, relative to establishing a system of training, continuing education, and certification for government of Guam procurement personnel,**" which lapsed into law as new **Public Law 32-131**.

Government procurement is a vital function that serves to ensure that public funds are not wasted, but rather spent wisely so that the Territory receives the best value for the People. The laws and regulations governing procurement are complex, and Bill 201 seeks to arm procurement personnel with the skills and training to effectively and efficiently do their jobs.

I am concerned, however, about the funding necessary for Bill 201's certification and education requirements. As soon as possible, I urge *I Liheslaturan* to take action supporting the mandates of Bill 215, including the appropriation of any necessary funds.

Senseramente,

[Signature]
EDDIE BAZA CALVO

1385

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

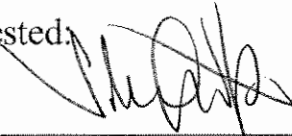
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 201-32 (COR)**, "AN ACT TO *ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL,*" was on the 1st day of February, 2014, duly and regularly passed.



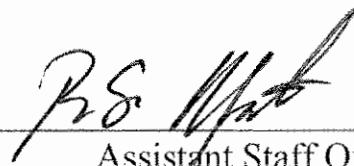
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 1st day of FEB,
2014, at
10:50 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: FEB 14 2014

Public Law No. 32-131

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

Bill No. 201-32 (COR)

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

Introduced by:

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

**AN ACT TO *ADD* A NEW §5141 TO CHAPTER 5 OF
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A SYSTEM OF TRAINING,
CONTINUING EDUCATION, AND CERTIFICATION
FOR GOVERNMENT OF GUAM PROCUREMENT
PERSONNEL.**

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

2 **Section 1.** A new § 5141 is hereby *added* to Part E of Chapter 5 of Title 5,
3 Guam Code Annotated, to read:

4 **“§ 5141. Training and Certification of Purchasing Personnel**
5 **and Vendors.**

1 (a) **Guam Community College Procurement Program.**

2 The Guam Community College (GCC, College) *shall* establish and
3 administer an integrated program of academic, research, practical
4 training, and continuing education, and provide the same on a full cost
5 recovery basis, for government of Guam procurement personnel and
6 other interested private or public participants, to be known as the
7 “GCC Procurement Program.” The College may adopt rules to
8 provide appropriate criteria for the training, continuing education and
9 certification authorized by this Section, and to administer this Section,
10 including rules related to monitoring a certified purchaser's
11 compliance with the continuing education requirements of this
12 Section. The College may, under the GCC Procurement Program,
13 establish a library, publish papers and journals, hold conferences and
14 seminars, and do such other things as it deems reasonable to improve
15 the government of Guam’s acquisition and asset management
16 strategies, practices and effectiveness. The primary focus of the
17 activities of the GCC Procurement Program *shall* be on the study and
18 instruction of the procurement laws and regulations of Guam, but may
19 include the examination and comparison of other procurement
20 regimes for the purpose of better understanding of procurement
21 philosophy and best practices and the improvement of Guam’s
22 procurement regime. The College *shall* establish such equivalent
23 training, education, experience and certification, and such
24 prerequisites, tests, attendance and standards as it determines are
25 necessary to qualify for any certification required by this Section,
26 and is solely responsible for bestowing such certification in such
27 form as it determines. It is not the intent, however, to require that

1 tests be standardized or to prevent variation in subject matter tested,
2 method of testing or the use of other pedagogical techniques. The
3 College, in consultation with the Guam Procurement Advisory
4 Council, *shall* review all qualification criteria annually, and may
5 revise any of the same as it deems appropriate to improve the
6 standards and proficiency of government of Guam procurement
7 personnel. The College *shall* maintain records of enrollment and of
8 the training, continuing education, and certification in same or
9 similar manner, and subject to the same or similar rules as its
10 regularly enrolled student records. The College may provide training,
11 assistance and coordination with other states and nations of
12 Micronesia on a cost recovery basis on the subject matter as covered
13 under this Section.

14 (b) **Mandatory Certification and Continuing Education.**

15 Notwithstanding any other provision of law or this Chapter and
16 effective October 1, 2016, all government of Guam personnel tasked
17 with the responsibility of purchasing or otherwise procuring goods, or
18 services, or construction, including those employed by agencies with
19 authority to conduct their own procurement, as well as any person
20 within the Office of Public Accountability responsible for
21 administering procurement appeals or auditing of the purchasing
22 activities of the government of Guam, must receive the training and
23 continuing education to the extent required under this Section and
24 offered by the College in consultation with the Guam Procurement
25 Advisory Council. A government of Guam employee who is required
26 to receive the training may not participate in purchases by the
27 employing agency *unless* the employee has received the required

1 training or received equivalent training from a national association
2 recognized by the College and the Guam Procurement Advisory
3 Council, which *shall* be the judge of equivalency. The equivalent
4 training may count toward the continuing education requirements of
5 this Section, as determined by the College, in consultation with the
6 Guam Procurement Advisory Council.

7 (c) **Consultation with the Guam Procurement Advisory**
8 **Council.** The Guam Procurement Advisory Council *shall*, on an
9 annual basis and to the extent of its resources, advise and consult with
10 the Guam Community College regarding the professional education
11 programs contained in this Section, as they relate to the educational
12 needs of government of Guam employees and vendors, and provide
13 such other counsel and assistance as the College may request.

14 (d) **Promulgation of Fees and Rules.** The College,
15 pursuant to the Administrative Adjudication Law, *shall* promulgate a
16 fee schedule for students, departments and agencies, and vendors in
17 order to recover the College's costs under this Section. The operations
18 budget of each government of Guam department or agency for staff
19 development may be used to pay for fees provided herein. The
20 College *shall* also promulgate any rules authorized by this Section, or
21 which it may deem necessary or appropriate to give effect to this
22 Section, pursuant to the Administrative Adjudication Law.

23 (e) **Cooperation with Other Entities.** The College may
24 provide training and continuing education under this Section using its
25 own personnel and facilities, or through contracts with other public or
26 private entities or personnel, including the federal government

1 Procurement Technical Assistance Program, the Hawaii Procurement
2 Institute, and other state and international institutions.

3 (f) **Basic Training Requirements.** The College *shall*
4 provide at least four (4) modules of procurement basic training, each
5 with *at least* eighteen (18) hours of study and instruction, or more, as
6 the College may determine as necessary, and *shall* award a Certificate
7 of Enrichment of training to those qualifying, as required by this
8 Section, for each module of the following subject matter areas:

9 Module 1. Fundamentals and Principles of Procurement
10 (Basic).

11 Module 2. The Procurement Solicitation Process
12 (Advanced).

13 Module 3. The Procurement Review and Remedies
14 (Administrative).

15 Module 4. The Management and Administration of
16 Procurement (Administrative).

17 (g) **Continuing Education for Procurement Training.** In
18 consultation with the Guam Procurement Advisory Council, the
19 College *shall* require a reasonable number of hours of continuing
20 education to maintain a certification level for each Certificate of
21 Enrichment required in this Section. The College may allow
22 attendance at an equivalent certification training recognized by the
23 College, in consultation with the Guam Procurement Advisory
24 Council, to count toward the required number of hours. Maintenance
25 of the certification level may be by yearly renewal or another
26 reasonable renewal period comparable to nationally recognized
27 certification requirements.

1 (h) **Requirement of Certificate of Enrichment (Basic).**

2 The College's prerequisites for awarding a Certificate of Enrichment
3 (Basic) must include the completion of the first module of
4 procurement basic training and passage of a written examination
5 prescribed by the College. From October 1, 2016, no person shall
6 serve in the capacity of a level-one purchaser, and no person shall
7 sign for any procurement requisition, without the Certificate of
8 Enrichment (Basic) provided by the College.

9 (i) **Requirement of Certificate of Enrichment**

10 **(Advanced).** The College's prerequisites for awarding a Certificate
11 of Enrichment (Advanced) must include the completion of the first
12 and second modules of procurement basic training and passage of a
13 written examination prescribed by the College. From October 1,
14 2016, no person shall serve in the capacity of a level-two purchaser,
15 without a Certificate of Enrichment (Advanced) provided by the
16 College, and a minimum number of years of purchasing experience as
17 prescribed by the Department of Administration. Recognizing that the
18 College has been providing procurement basic training since 2012
19 that covers the subject matter in the first and second basic training
20 modules required in this Section, the College may allow attendance
21 at any such training given as credit toward any certification required
22 without examination until such time as the College has implemented
23 testing for such training.

24 (j) **Requirement of Certificate of Enrichment**

25 **(Administrative).** The College's prerequisites for awarding a
26 Certificate of Enrichment (Administrative) must include the
27 completion of the first, second, third, and fourth modules of

1 procurement basic training and passage of a written examination
2 prescribed by the College. From October 1, 2016, no person shall
3 serve in the capacity of a Chief Procurement Officer or Procurement
4 Administrator, or as a classified employee in the position of supply
5 management administrator, procurement officer, or otherwise as the
6 responsible head of procurement, or a level-three purchaser, of any
7 government of Guam entity, including any governmental body,
8 public corporation, semi-autonomous or autonomous agency, within
9 or under the purview of the Executive Branch, without a Certificate
10 of Enrichment (Advanced) provided by the College and a minimum
11 number of years of purchasing experience as prescribed by the
12 Department of Administration.

13 (k) **Requirement of Industry Certification.** The College
14 may provide an Industry Certification which may require completing
15 the required number of college credit courses to include the four (4)
16 subject matter areas covered under this Section and passage of a
17 written examination as developed, prescribed, and administered by the
18 College, in consultation with the Guam Procurement Advisory
19 Council.

20 (l) **Requirement of Certificate of Procurement**
21 **Management Program.** The College's requisites for providing a
22 GCC Certificate of Procurement Management may include
23 completing seventeen (17) college credit(s), or more, as the College
24 may determine necessary, to include the four (4) subject matter areas
25 covered under this Section and meeting all the general requirements
26 for a certificate program and a Certificate of Completion to be
27 awarded by the College.

1 (m) **Requirement of an Associates Degree.** The College's
2 requisites for providing an Associates Degree in Procurement
3 Administration may include completing the required college credits as
4 the College may determine necessary, to include the four (4) subject
5 matter areas covered under this Section and meeting all the general
6 requirements for an Associates Degree to be awarded by the College.”

7 **Section 2. Effective Date.** This Act *shall* be effective upon enactment.