



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam* 32-14-1617

APR 30 2014

Date 5.2.14  
Time 2:36 PM  
Received by [Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

2014 MAY -2 PM 3:04 PM

Dear Madame Speaker:

Transmitted herewith is Bill No. 289-32 (COR) "AN ACT TO AMEND §5121(e) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND" which I signed into law on April 28, 2014 as **Public Law 32-146**.

*Senseramente,*

EDDIE BAZA CALVO

1617



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

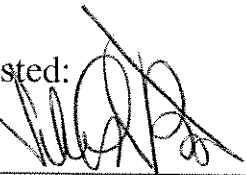
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 289-32 (COR)**, "AN ACT TO *AMEND* § 5121(e) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND," was on the 15<sup>th</sup> day of April, 2014, duly and regularly passed.



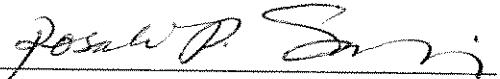
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



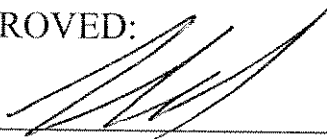
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 16 day of April, 2014, at 1:10 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's* Office

APPROVED:



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

Date:

APR 28 2014

Public Law No. 32-146

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

**Bill No. 289-32 (COR)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
Chris M. Dueñas  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
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 AMEND § 5121(e) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that Public Law No. 28-188 added a new § 5121(e) to Guam's procurement statute to permit the Board of Trustees of the Government of Guam Retirement Fund to retain a certain level of autonomy with respect to procurement matters involving its retention of professional service providers. *I Liheslaturan Guåhan* further finds

1 that it also is in the best interests of the Government of Guam Retirement Fund to  
2 ensure an orderly and efficient process for the prompt resolution of disputes and  
3 controversies that may occur between the Government of Guam Retirement Fund  
4 and its personal service providers. *I Liheslaturan Guåhan* further finds that  
5 alternative dispute resolution provides opportunities:

- 6 (a) for the parties to resolve controversies before experienced fact-  
7 finders knowledgeable in the subject matter of the dispute;
- 8 (b) to reduce some of the litigation costs typically arising from  
9 protracted administrative and judicial proceedings;
- 10 (c) to reduce duplicative review, decision, and appeal; and
- 11 (d) to provide the parties with greater certainty as to jurisdiction,  
12 venue, finality, and procedural time frames; all of which are more likely to  
13 enhance competition and potentially reduce fees and costs in connection  
14 with the solicitation and retention of professional services.

15 **Section 2. Legislative Intent.** *I Liheslaturan Guåhan* intends to authorize  
16 the Board of Trustees of the Government of Guam Retirement Fund to determine if  
17 it is in the best interests of the Government of Guam Retirement Fund to solicit and  
18 enter into contracts for professional services under which controversies may be  
19 resolved by mediation, arbitration, or other alternative dispute resolution.

20 **Section 3.** § 5121(e) of Part C, Article 2, Chapter 5, Title 5, Guam Code  
21 Annotated, as *added* by Public Law No. 28-188, is hereby further *amended* to read:

22 “(e) Approval of Contracts by the Government of Guam Retirement  
23 Fund. Notwithstanding any other provision of law, the Board of Trustees of  
24 the Government of Guam Retirement Fund *shall* have exclusive authority to  
25 approve and execute all contracts for the procurement of professional  
26 services associated with the operation of the Fund. The Board may enter into  
27 contracts providing for alternative dispute resolution (including mediation

1 and arbitration) of controversies arising between the Government of Guam  
2 Retirement Fund and its professional service contractors, if, in the Board's  
3 discretion, alternative dispute resolution is determined to be in the best  
4 interests of the Government of Guam Retirement Fund.”

5 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.